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THIS PRELIMINARY REPORT DESCRIBES THAT PHASE OF THE UCLA MEXICAN-AMERICAN STUDY PROJECT WHICH CONCERNS THE IMMIGRATION PROCESS OF MEXICANS TO THE UNITED STATES. STATISTICS ARE PRESENTED ABOUT--(1) THE VOLUME OF IMMIGRATION OVER THE YEARS, (2) THE SOCIO-ECONOMIC CHARACTERISTICS OF IMMIGRATING MEXICANS, (3) THE GEOGRAPHIC DISTRIBUTION OF MIGRANTS AFTER IMMIGRATION, (4) THE REASONS FOR THEIR MIGRATION, (5) THE DIFFERENCES BETWEEN PERMANENT AND TEMPORARY MIGRATING MEXICANS, AND (6) THE COMPARABLE ASPECTS BETWEEN MEXICAN AND CANADIAN IMMIGRATION. THE DISTINCTIVE FEATURES OF MEXICAN IMMIGRATION ARE DIFFERENTIATED FROM EUROPEAN IMMIGRATION, INCLUDING MEXICO'S ATTITUDE TOWARD EMMIGRATION, THE SELECTIVE PROCESSES INVOLVED IN MEXICAN IMMIGRATION, THE ECONOMIC FORCES THAT INFLUENCE MIGRATION, AND THE FUTURE OF MEXICAN IMMIGRATION. THE APPENDIX CONTAINS STATISTICAL CHARTS AND AN EXPLANATION OF THE IMMIGRATION AND NATURALIZATION LAWS. THIS REPORT IS AVAILABLE FOR $3.00 FROM THE MEXICAN-AMERICAN STUDY PROJECT, UNIVERSITY OF CALIFORNIA, GRADUATE SCHOOL OF BUSINESS ADMINISTRATION, LOS ANGELES, CALIFORNIA 90024. (JH)

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MEXICAN-AMERICAN STUDY PROJECT

Division of Research
Graduate School of Business Administration
University of California, Los Angeles

Advance Report 2

MEXICAN IMMIGRATION TO THE UNITED STATES: THE RECORD AND ITS IMPLICATIONS

by
Leo Grebler
With contributions by
Philip M. Newman and Ronald Wyse

RC 000997

Preliminary and Subject
to Revision

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MEXICAN IMMIGRATION TO THE UNITED STATES

The Record and Its Implications

by

Leo Grebler

Director, Mexican-American Study Project

with contributions by

Philip M. Newman, Judge, Municipal Court, Los Angeles
and Ronald Wyse, Attorney-at Law, Santa Barbara

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FOREWORD

In early 1964, the University of California at Los Angeles embarked on a comprehensive study of the socio-economic position of the Mexican-American population in the Southwest. The research is undertaken by a unit known as the Mexican-American Study Project and supported by a generous grant from the Ford Foundation.

Ultimately, this study should turn the spotlight on a widely neglected minority group in American society--neglected in terms of national or even regional awareness of its existence let alone its problems, in terms of social policy, and in terms of the fundamental knowledge required for intelligent remedial measures. But the spotlight will be shared by American society at large, for the condition of any minority group depends critically on the interaction between the members of the minority and the community as a whole.

In a country known as a "nation of nations," the study of minority populations and their relation to society has long since been a concern of the social sciences. The present research project is in this tradition. We believe that it is timely if not overdue. The study was begun at a time when the American public had become more conscious of the persistence in our midst of poverty, deprivation, and their manifold determinants, and when concerted efforts were initiated to grapple with these problems. In such a context it is singularly appropriate to deepen our knowledge of a population group characterized by widespread disadvantage on nearly every criterion at hand--educational attainment, occupational structure, income and wealth, housing, effective community organization and political strength, to name only a few.

The study of any minority population raises a host of questions concerning its delineation, especially when its members show substantial or increasing socio-economic and cultural differences. Identification is a statistical issue; it poses the problem of criteria for viewing a minority as a more or less cohesive community; and it is a problem to individuals in terms of self-identification.

In the case of Mexican-Americans, these problems are compounded by semantics. Every study of Mexican-Americans in the United States--in fact, practically every conversation about or within the group--begins inevitably with questions of definition. These matters will be examined more fully in the final product of this study. It suffices to say here that "Mexican-American" is used as a generic term to include people of Mexican, Spanish, or mixed Indian descents, although members of the group in various parts of the Southwest prefer to be known as Spanish-Americans or Latin-Americans or Mexicanos or by other names. The only further comment warranted at this point is a note of regret. We have been unable so far to devise a short, descriptive, and immediately intelligible term that avoids the obnoxious hyphenation. Needless to say, the use of "Mexican-American" does not imply any subordinate class of citizenship or residency.

For the purpose of this study, the Southwest is defined to include five states: Arizona, California, Colorado, New Mexico, and Texas. It is in these states that the vast majority of Mexican-Americans in the United States, now estimated at 4 million, is located. The study will focus on urban areas in the southwestern region. The problems of rural Mexican-Americans, especially of migrant workers, have been rather fully investigated. Yet, the Mexican-American population has come to be highly urbanized, and the gaps in knowledge are most notorious in the urban segment. At the same time, the dividing line between urban and rural cannot be drawn sharply. A significant number of Mexican-Americans in some of the urban areas of the Southwest are employed in agriculture at least for several months of the year.

The study is scheduled for several years and its final product will therefore not be available for some time. Under these circumstances, it seems desirable to release preliminary or partial results on certain subject matters during the course of the investigation. The subject matters will vary widely in content and scope. Some advance reports may deal with broad statistical analyses, others with particular aspects of the life of Mexican-Americans, and still others with conditions in certain localities. The large variety of subject matters is illustrated by the reports scheduled for release in the near future, which are listed elsewhere. Even so, it is not intended to include all of the numerous phases of the study in these advance reports. Some parts of the project are so interwoven with others that they do not lend themselves to separate early analysis. For this reason, the selection of topics in this series should not be taken as any indication of the full range of subject matters to be included in the final product, nor should it be considered a reflection of the relative importance of various sub-studies conducted in the course of the research work now under way.

Advance reports are preliminary and subject to revision. They represent the results of individual scholarship and are issued without the benefit of consultation with academic or community advisers. Formal review and editing are reserved for the final study which will weave the materials included in the reports, as well as others, into an integrated framework of analysis.

* * *

The Mexican-American minority is a highly differentiated group. For example, while the group includes large numbers of people with little formal education, few skills, low income, and other disadvantages, one finds in its ranks well-to-do families and highly trained persons--a U. S. Senator and three Congressmen, others in responsible government posts, attorneys, physicians, teachers, social workers, and engineers. To use the lingo of social scientists, there is more differentiation in socio-economic status than is commonly assumed.

Mexican-Americans are also differentiated in regional terms. New Mexicans generally show patterns of behavior and attitudes that distinguish them sharply from their counterparts in South Texas or in Fresno, California, especially in the political arena. Mexican-Americans are clustered in vast urban populations, but they are also scattered over hundreds of semi-rural and isolated colonias throughout the Southwest. Further, the group consists of people whose forebears were in the Southwest region long before the pilgrims arrived on our Eastern shores, as well as Mexican immigrants who came last week.

This volume concerns itself with the process through which the latter segment of the Mexican-American population has appeared in our midst--immigration in the 20th Century. The reasons why any study of Mexican-Americans must encompass the story of immigration are spelled out in the report and need not be discussed here. In addition to extensive analysis of the volume of immigration over the years, of some of the socio-economic characteristics of Mexicans who moved to the United States, of their geographic distribution after they had entered, of the forces behind the mass migrations across our southern land border and related matters, the volume deals also with U. S. immigration policy. This has become a highly topical subject in view of the 1965 legislation which breaks with the traditional open-door policy in respect to New World immigrants.

It is hoped that the record presented in these pages will be useful in a number of ways. It should assist the Mexican-American community as well as others in formulating their positions on the subject. Current views range all the way from angry demands that Mexico should be stopped "from exporting her problems to us" to equally angry accusations that the United States is in the habit of discriminating against Mexican visa applicants. The record should help the public to substitute facts for the great amount of fiction surrounding the subject, and to arrive at more informed judgments. And since the new legislation, as will be seen, is tentative rather than definite the record may provide materials for sorting out the issues involved in the formulation of a more durable policy.

Finally, the volume is intended to fill a gap in the rich scholarly literature on immigration to the United States. The place of the Mexican movements in this literature can at best be described as incidental when they have in fact been for some time in first or second position in over-all immigration. It is a commentary on the state of knowledge of Mexican-Americans that general works on immigration neglect the Mexican experience, while writers on immigration from Mexico have rarely placed this case in the broader framework of theory and factual information on the historic mass movements to the United States.

Leo Grebler, Director
Mexican-American Study Project

Author's Acknowledgments

The author is indebted to two members of the legal profession for Chapter III and Appendix D; their contributions are acknowledged specifically in the headings of these parts of the Report. In addition, Lic. Stella Leal Kellogg, who had earned her degree at the National University of Mexico with a thesis related to the subject of this Report, prepared useful notes and references to literature. The statistical unit of the Mexican-American Study Project furnished valuable assistance, and Mr. Gary D. Neterer, then a graduate student, undertook most of the statistical computations.

The author benefitted greatly from information and insights gained in discussion with the Los Angeles Community Advisory Committee to the Mexican-American Study Project. The U. S. Department of State and the U. S. Immigration and Naturalization Service were most helpful in providing materials and responding to inquiries. A travel award by the Ford Foundation made it possible for the author to visit Mexico in the summer of 1965, confer with Mexican government officials and scholars, and obtain documentary materials. Several of my associates, notably Professor Joan Moore and Mr. Frank Mittelbach, applied their critical faculties to a careful review of an earlier draft.

All those who contributed so generously to the report, however, must be absolved from responsibility for its content.

Finally, recognition should be given to the usually unsung heroes, or rather heroines, of the research process: the secretarial staff which transforms drafts of complex text and tables into orderly and presentable documents. In this case, the main burden fell on Mrs. Rose Altman assisted by Mrs. Connie Bishop, and they discharged their responsibility efficiently and cheerfully.

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I. INTRODUCTION

The story of Mexican-Americans in this country is in large measure the story of immigrants and their children and childrens' children. In 1960 the number of persons who were born in Mexico or were of Mexican or mixed parentage totaled more than 1.7 million; and they accounted for 45 percent of the Mexican-American population of 3.8 million. The remainder were the descendants of still earlier immigrants and of the original settlers of Hispano-Mexican origin, who became citizens when Southwest territories were incorporated into the United States. (Chart A).

About 1.3 million Mexicans are reported as having entered this country for permanent residence between 1900 and 1964. This is certainly an understatement. The records for the early years of this century are incomplete, and the migrants who came and stayed illegally are unrecorded.

Immigration from Mexico has at times been a significant component of total permanent movements to the United States. In the second half of the 1920's and again in the period 1955 to 1964, Mexican immigrants accounted for more than 15 percent of all immigrants. In eight of the 11 years from 1954 to 1964 more people came on immigrant visa from Mexico than from any other country.

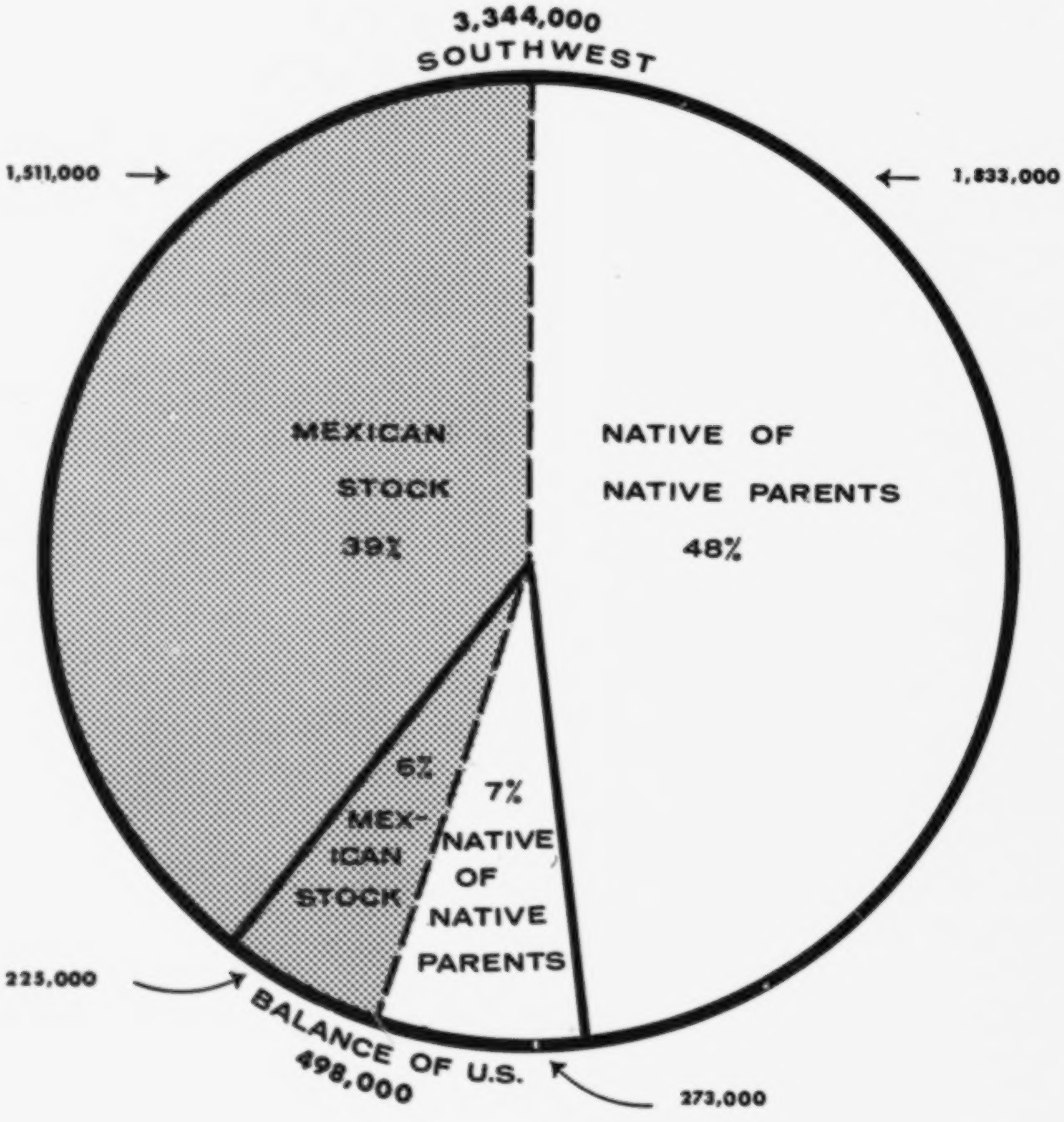
Together with high birth rates of Mexican-Americans already in this country, immigration has been a major contributor to the rapid growth of the Mexican-American population. Between 1910 and 1960, the number of people included in the first and second generation of Mexican origin--or, to use the Census term, persons of Mexican stock--more than quadrupled. In contrast, the U. S. population of other foreign stock was of about the same size in 1960 as half a century earlier. (Chart B).

It is clear, then, that one must understand Mexican immigration if one wants to understand the Mexican-Americans in our society. Yet, the analytical literature on the subject leaves much to be desired. The latest major work on immigration from Mexico appeared in 1930.[1] Since that time public attention and scholarly writings have concentrated on temporary migrants rather than those who came to stay. The rich materials published by the U. S. Immigration and Naturalization Service have never been exploited systematically. The vast general literature on immigration has drawn mainly on the classic case of mass movements from Europe. As will be seen, the Mexican case offers illuminating variations on this theme.

Further, the admission of Mexicans has from time to time posed problems for U. S. immigration

CHART A

Estimated Mexican-Americans in the United States, 1960



U.S. TOTAL 3,842,000

Source: Appendix A

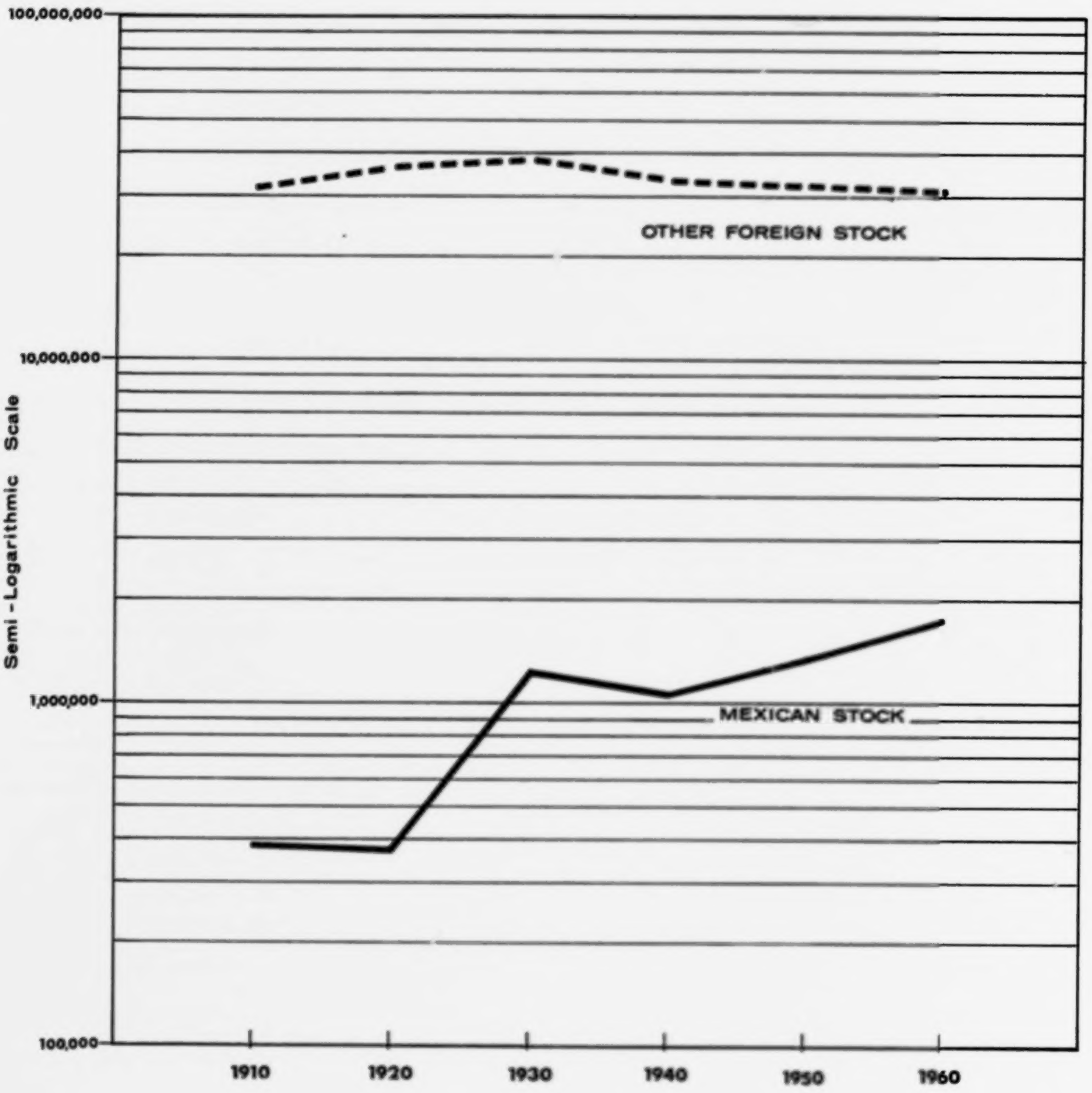
policy. In the late 1920's, only a few years after the quota system was introduced for all immigrants except the nationals of Western Hemisphere countries, attempts were made in the Congress to extend numerical restrictions to Mexicans as well (see Appendix D). No action was taken at that time, and the issue became academic as the Great Depression reduced migrations from Mexico to a trickle. In the period after World War II, the dominant problem of U. S. policy with respect to Mexican immigration was the admission of temporary workers. And a major policy change affecting permanent immigrants from Mexico has just been enacted at this writing. The 1965 amendments to the Immigration and Nationality Act, which initiate the repeal of the quota system based on national origin, at the same time set a tentative ceiling of 120,000 persons a year on the number of immigrants from Western Hemisphere countries.[2] This is a radical departure from the traditional "open-door" policy under which no quantitative restrictions were imposed on the admission of nationals of the Western Hemisphere. While the new ceiling applies to all such nationals, without quotas for each individual country, and will not become effective before 1968, it is likely to restrain the volume of Mexican immigration in the long run.

This action will be more fully discussed in the concluding chapter, but when it is viewed in context it becomes clear that U. S. policy has moved in the direction of stricter controls on migration from Mexico. Already in 1963, administrative enforcement of a job certification procedure for visa applicants from Mexico served to restrict the volume of permanent immigration. At the end of 1964, the bracero program was officially terminated, and the subsequent admission of temporary agricultural workers was kept within very narrow limits compared to the heydays of the program. Altogether, the administrative controls of 1963, the end of the bracero program, and the new ceiling on immigration from Western Hemisphere countries have ushered in a new era of restrictions.

Changes in the rules of admission for newcomers from foreign lands tell us a great deal about American society. They reflect the temper of the times, varying pressures of economic, ethnic, and other groups in our population, and popular notions of the "desirability" of people of different origin, as well as shifts in the national composition of immigrants. The recent trend toward greater control of immigration from Western Hemisphere countries must be interpreted as a symptom of apprehension--a bundle of fears of acute job competition, of the growth of minorities widely considered to be difficult to assimilate, and of compounding the problem of the "war against poverty," to name a few. While the history of the 1965 legislation reveals no evidence that the ceiling on immigration from Western Hemisphere countries is specifically directed at Mexicans, one can infer

CHART B

Number of Persons of Mexican Stock and of Other Foreign Stock, Census Dates: 1910-1960



Source: Table 21

that apprehension over the recent and prospective volume of entries across the southern land border has had a part in the Congressional action. In any event, public-policy implications make it all the more important to examine the record of immigration from Mexico in some detail.

* * *

Immigration can be analyzed from many viewpoints ranging from purely statistical investigation to the case study of the often painful experience of individuals in adapting themselves to a new world. Between these extremes are opportunities for testing more or less established theories of migration, studying the acculturation of various kinds of immigrant populations in this country, and examining the impact of immigration on labor markets or political organization, not to mention others.

This Advance Report focuses on only a few selected aspects of the subject. It describes the distinctive features of Mexican immigration, especially those which differ from the standard case of earlier mass movements from Europe (Chapter II). It illuminates the position of Mexicans in U. S. law controlling the entry of aliens by reference to a case story (Chapter III) and in more systematic and historical perspective (Appendix D). Chapter IV is given over to a statistical-historical account of Mexican immigration. Next, the analysis turns to some of the demographic and social characteristics of the immigrants (Chapter V) and to their geographic distribution in the United States (Chapter VI). Permanent and temporary migrations in this case are less sharply segregated than is true for movements from other countries, and they may indeed be interrelated. Consequently, Chapter VII presents an overview of temporary migrations in relation to permanent immigration.

The following two sections address themselves to subjects that loom large in the scholarly literature on migration theories. To what extent does the Mexican case bear out the proposition that migration is a selective process? Do the immigrants as a group distinguish themselves from the general Mexican population and, if so, what are their distinctive characteristics (Chapter VIII)? What have been the main economic forces associated with the movements across the border (Chapter IX)? The final chapter deals with the eminently practical question of the future of Mexican immigration in light of past experience; and this is necessarily a somewhat speculative discussion.

By and large, then, the Report concerns itself with immigration as the first act in a long process. It does not aim to examine subsequent events such as the fate of the newcomer after his arrival, or the social and economic effects of immigration on our society, or the interaction between the ethnic group and the community at large. These and other, no less important aspects of the subject, notably the integration of Mexican immigrants into American society and their individual response to life in a new environment, will be analyzed in other parts of the study of which this volume is a part.*

Notes for Chapter I

1. Manuel Gamio, Mexican Immigration to the United States (Chicago, 1930).
2. The new ceiling is tentative inasmuch as the 1965 legislation establishes a Commission on Western Hemisphere Immigration, and the new restriction may be altered through legislation on or before June 30, 1968 in response to the Commission's recommendations or otherwise. Public Law 89-236.

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* Terms such as integration and acculturation are used in this advance report without definition. Definitions will be offered in the final study.

II. DISTINCTIVE FEATURES OF MEXICAN IMMIGRATION

Immigration from Mexico is, of course, part and parcel of an experience deeply interwoven with the history of the United States and the development of our society -- people coming to this country from many lands. As one historian has put it, "Once I thought to write a history of the immigrants in America. Then I discovered that the immigrants were American history."[1] But the mass movement across the Mexican border has been characterized by a number of distinctive if not unique features.

First, most of this movement is a late chapter in the saga of immigration to the "land of opportunity." While temporary as well as permanent border crossings occurred much earlier in a highly informed manner, the first significant wave of recorded immigration for presumably continuous residence did not begin before 1909 - 1910. This was just about the time when total immigration to the United States had reached its peak and started to decline (Table 1). Mexican immigration gathered momentum in the decade of the twenties when total immigration was sharply reduced from the pre-World War I levels. And, as will be shown later, the share of Mexican immigrants in the total has increased greatly since World War II. Immigration has continued in large volume relative to the size of the Mexican-American population in this country. This is one of the reasons why the familiar problems of acculturation, which in the case of most European immigrant groups were attenuated as the stream of newcomers subsided, are kept alive.

Second, migration across the Mexican border distinguishes itself by an extraordinary variety of movements: permanent legal as well as illegal immigrants; people who live in Mexico but are allowed to commute to work in U. S. border areas regularly or in more or less frequent intervals throughout the year; agricultural workers coming to this country for seasonal employment on their own initiative, on contract, or under the now terminated government-regulated bracero program; and finally the usual array of businessmen, visitors, tourists, students, shoppers, and others entering for limited periods. This large variety of movements is matched only at the Canadian border which is, of course, the only other land boundary of the United States. However, population movements across the Mexican border have for many years been far more intense than those across the Canadian border.

This unusual intensity is indeed the third characteristic of Mexican migrations to the United States. As was already mentioned, Mexico in eight recent years supplied a larger number of permanent-visa immigrants than any other single country. Likewise, Mexico has for a long time been the largest single source of non-immigrants coming to this country as visitors, tourists, students, and so forth, of temporary farm laborers, and of border-crossers who engage in non-agricultural as well as farm work. The officially recorded movements have at times been augmented by large numbers of unrecorded entries.

Table 1

Number of Mexican Immigrants Compared with All Immigrants,

Five-Year Periods, 1900 - 1964

Period a/	Mexican b/	Total	Mexican as % of Total
1900 - 1904	2,259	3,255,149	.07
1905 - 1909	21,732	4,947,239	.44
1910 - 1914	82,588	5,174,701	1.60
1915 - 1919	91,075	1,172,679	7.77
1920 - 1924	249,248	2,774,600	8.98
1925 - 1929	238,527	1,520,910	15.68
1930 - 1934	19,200	426,953	4.50
1935 - 1939	8,737	272,422	3.21
1940 - 1944	16,548	203,589	8.13
1945 - 1949	37,742	653,019	5.78
1950 - 1954	78,723	1,099,035	7.16
1955 - 1959	214,746	1,400,233	15.34
1960 - 1964	217,827	1,419,013	15.35

a/ Fiscal Years

b/ Classified by country of birth, except for the periods 1935 - 1939 and 1940 - 1944 in which the data refer to Mexico as the country of last permanent residence. This classification had to be adopted because the reports for several years in these periods do not furnish data by country of birth. The statistics for periods for which both classifications are reported indicate that numerical differences are relatively small. The "country of birth" classification was adopted here as the basic one not only because it is definitionally superior but also because detailed characteristics of immigrants are reported on this basis.

Source: Annual Reports of the U.S. Immigration and Naturalization Service and its predecessor agencies.

When it is viewed in historical perspective, however, the intensity of migrations from Mexico appears in a somewhat different light. Because immigration across the southern land border is a late phase of the movement of people to the United States, even large absolute numbers of newcomers represent smaller relative increments to our population than was the case a few decades ago. Thus, the 293,000 Mexicans who came on immigration visa in the 1950's entered a nation of about 168 million at the midpoint of the decade. The 335,000 Irish who were admitted in the first 10 years of this century arrived when the U. S. population totaled approximately 83 million at the decade midpoint. The scale of our economy was on all counts far greater than in the 1900 - 1909 period.

Fourth, migrations from Mexico occur over an unusually long border -- about 1,600 miles -- which is devoid of natural obstacles impeding movement. The river bed of the Rio Grande in certain seasons is so dry that it is possible to cross on foot at many places. At other times and places, men can swim across (hence the term "wetback"), or they have come on ferries run by human bootleggers. West of the Rio Grande the boundary cuts across hundreds of miles of desert land. Wire fences erected in the vicinity of important points of entry have been extended over time, but many of them present no serious problem to the "border jumper". Consequently, it has always been difficult to control migration across the Mexican border. In fact, this was once a favorite point of illegal entry for non-Mexican aliens who were barred from immigration or believed they would be excluded. This was notably true of the Chinese in the late years of the 19th Century and the early part of the 20th Century, and of Europeans during the 1920's when immigration quotas were introduced.[2] Even to-day, smugglers in the Rio Grande area and in the western desert section bring people into the United States who cannot afford the necessary fees or do not qualify for normal entry.

In addition to its distinctive physical features, the Mexican border cuts across a vast territory with some common geographic, cultural, and economic characteristics. Among other things, the region on both sides of the boundary has similar natural resources and a dry climate which limited the initial uses of the soil and required irrigation for agricultural development. Legal institutions pertaining to water rights and related matters, as well as language, diet, and architecture, testify to the persistence of Mexican culture patterns in parts of the U. S. Southwest. Such elements of regional unity have been conducive to intensive informal migrations, with the result that a tightly controlled international boundary appears to be unreal at least in a subjective sense.

Again, the Canadian border presents a similar case. But the pull of economic opportunity drawing Mexicans across the boundary, and therefore their incentive to enter the United States by any available means, has been much stronger than for Canadians. In the first few decades of this century the Mexican border separated the richest country of the world from one of the poorest. Despite the substantial economic growth of Mexico since World War II, the difference in real income between this country and Mexico has remained far greater than the U. S. - Canadian differential. These matters will engage our attention later in this report.

Fifth, the migration intentions of Mexicans coming to this country generally seem to have been far less certain, and much more varied, than those of the many millions who came from other lands during the epoch of mass immigration. Physical proximity, the relatively low cost of movement after railroad and highway connections were established, and the large variety of entry potentials made it possible for many Mexicans to view migration to this country as an experiment, or adventure or a temporary expedient. In contrast, the landless Irish, the Polish peasant, the Russian Jew, the Italian or Greek, and the many others moving to America in the heydays of immigration made an enormous and irrecovable commitment. There was no turning back for most of them. The mass migration produced some backwash of return movements by people who were sorely disappointed or incurably homesick or who preferred to demonstrate their material success in the old country; but this was the normal concomitant of any large-scale migration.

In the case of many Mexicans, the commitment involved in going North was much less momentous or permanent. If a Mexican entered on a regular immigration visa, he could return without incurring extraordinary emotional or monetary cost. If he came for temporary employment and liked the experience, he found it often not too difficult to stay and, being unfamiliar with the ways of impersonal bureaucracy, may have given little thought to the technicalities of his legal status. Many of those who slipped in illegally to begin with could hope to go back some time and re-enter properly. Moreover, large numbers of Mexican immigrants, especially those of the earlier periods who came from a society with more locally oriented loyalties, may have had a perception of the international boundary which was at variance with its formal significance. In contrast, 19th and 20th Century Europeans had long since learned to respect the relevance of frontiers. More recently, Mexicans have been drawn by economic opportunity to the northern parts of Mexico as well as the southwest region of the United States. Thus, Mexican immigration can be viewed as part and parcel of a general northward movement in which the distinction between internal and international migration was blurred by climatic and other similarities of the areas on both sides of the border.

The variety of migration potentials coupled with uncertain migration intentions has produced an unusual volume of return movements from the United States to Mexico -- another manifestation of the intensive interchange of persons along the Mexican border. Unfortunately, the data on this point are incomplete and unreliable. But statistics on expulsions will tell a noteworthy story. Mexicans have consistently ranked at or near the top in this category, both in absolute numbers and relative to reported immigration. The involuntary return movements also reflect marked changes in law enforcement. These, in turn, express at least in part the public pressures on border-control authorities either to be strict or "look the other way."[3]

While voluntary and forced return movements have occurred continuously, two periods of massive repatriations must be singled out for special attention. During the Great Depression of the thirties, local authorities in the United States organized and helped finance what was almost literally the shipment of tens of thousands of people back to Mexico, as a device to relieve themselves of welfare support and to ease the terrifying problem of unemployment of domestic workers. And in 1954 - 1955 the Immigration and Naturalization Service launched "Operation Wetback" which, among other things, included the massive round-up and deportation of Mexicans held to be in this country illegally. These episodes are noted at this point because they have no counterpart of comparable magnitude in the experience of other immigrants. Also, they had in all probability a lasting impact on Mexican-Americans' perceptions of the host society and vice-versa, their attitudes toward governmental authority, and constitutional issues involving the civil rights of individuals who were apprehended as Mexicans but could claim American citizenship.

Notes to Chapter II.

1. Oscar Handlin, The Uprooted (New York 1951), p.3
2. Annual Reports of the Immigration and Naturalization Service, passim. For earlier years, Annual Reports of the Commissioner General of Immigration.
3. For examples of informal cooperation between border patrol inspectors and farmers interested in obtaining Mexican labor, see Ernesto Galarza, Merchants of Labor (published and distributed by the author, 1964); also Lyle Saunders and Olen E. Leonard, The Wetback in the Lower Rio Grande Valley of Texas (University of Texas, Inter-American Education, Occasional Paper VII, July 1951), p. 80.

III. THE LAW AND ITS ADMINISTRATION: PROFILE OF AN IMMIGRANT'S CASE

By Judge Philip M. Newman
Municipal Court, Los Angeles*

A systematic and historical account of the position of Mexican nationals in U. S. immigration law and its administration is presented in Appendix D. At this point, it is believed to be sufficient and more meaningful to describe the recent case of Jose Rodriguez. The case in synthetic, and the name as well as other detail is fictitious, but the elements of the story are drawn from life. This is a "success" story. At numerous points in the process Jose's efforts might have been thwarted. For example, he would have been ineligible if he was unable to assemble all necessary police certificates or failed to pass the medical examination, or if his prospective job in the judgment of the authorities could have been filled by domestic workers. But Jose Rodriguez obtained his visa, as did thousands of others who are the subjects of this volume.

Jose Rodriguez had been in the United States as a bracero. His work was so satisfactory and he enjoyed life in the United States so much that he requested and obtained a renewal of his original contract. The renewal made it possible for him to remain in this country for a year. During this time, he saved and sent substantial sums of money to his family who lived in Cocula, in the State of Jalisco. He acquired knowledge of the modern methods used in agriculture in this country and was able to learn the rudimentaries of the English language.

Upon returning to his home in Mexico, he discussed life in the United States with his wife Maria, including the future that would be in store for him and his family if he could obtain an immigration visa to the United States and return to his former employment. He knew that his earnings would be far greater than in Mexico. He knew also that his living costs would be higher. Neither Jose nor Maria had relatives in the United States, and they felt keenly the pains of separating from their families. But after debating the pros and cons among themselves and in the family circle, they made the fateful decision to move. Once the decision was made, Jose began to undertake the necessary steps to realize this objective.

He knew he needed a passport. He could apply for the passport in Guadalajara, the capital of

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* Before his position on the bench, Judge Newman was a practicing attorney with extensive experience in immigration matters.

Jalisco; but since the application would have to be transmitted to Mexico City, it was decided that he would apply personally in the office of the Secretary of Foreign Relations in Mexico City, which issues the passports. This would save time and money in the end.

Having obtained certified copies of his birth record, Jose took a bus to Mexico City traveling across nearly 500 miles. After a wait of several days in Mexico City, the travel document described as a passport was issued to him. Of course, his expenses of travel and living in the capital seemed very high, and he had to draw on some of his savings to meet these costs.

Equipped with his Mexican passport, Jose returned to Guadalajara and appeared before the American Consulate in that city. He was given the preliminary application form for immigrant visa, which he filled out, and was told by the Consul that, since he had no immediate relatives who were U.S. Citizens or close relatives residing permanently in the United States, his application would be processed as a "no priority case". It was explained to him that the spouses, parents, brothers or sisters, and adult children of United States citizens and of permanent residents in the United States were considered priority applicants in the order of issuance of immigrant visa. Consequently, there would be a delay of many months before his turn for an appointment to file a formal visa application would come up. He would have to return to his place of residence and wait for the notification of the appointment.

After seven months, Jose was notified that he had an appointment to appear at the Consulate and complete his application for an immigrant visa.

Since Jose was a native of a Western Hemisphere country, his application was not subject to the immigration quotas established by the United States for natives of countries outside the Western Hemisphere. However, this did not mean that he could immigrate freely, for the socalled qualitative immigration controls applied to Jose as well as to applicants from any country. Jose was informed that he would be required to present the following documents:

(1) The passport issued by the Mexican government.

(2) Certified copies of his birth record.

(3) Police certificates issued by the Police Department in every city where he had resided more than six months after reaching the age of 16 years. Jose was a little startled by this requirement, but he learned that the documents had the purpose of

certifying that he had not engaged in unlawful activities. If he had, he would be ineligible. Among other things, Jose had to obtain a police certificate from Fresno where he had worked as a bracero; this presented a difficult and time-consuming problem on which his previous and prospective employer helped him.

(4) Consent from his wife to have him immigrate, since she would not be accompanying him at this time, but planned to join him later when the financial situation permitted it.

(5) A commitment of employment from the prospective employer in the United States--as evidence that Jose would not become a "public charge." This requirement turned out to be the most difficult of the lot. Jose's employer had to fill out a long form explaining and justifying his job offer. Most importantly, the form served as a basis for job clearance by the California Department of Employment and later by the U.S. Department of Labor. Among other things, these agencies determined that the job offer came from a legitimate employer, that the job was not temporary, that Jose's job could not be filled by local labor, and that his employment would have no adverse effect on such labor. Jose had learned to operate machinery and other agricultural equipment, so he was no longer classified as an ordinary agricultural worker, and since there was a labor shortage in his specialty, the Employment Service issued the necessary certificate, which was forwarded to the U.S. Consul in Guadalajara. (If Jose had applied for an immigration visa before July 1963, no job clearance by the Employment Service would have been required. He would have merely given the U.S. consul a written job offer from his prospective employer, and it was in the discretion of the consul to decide whether this offer provided sufficient assurance that Jose would not become a public charge.)

When the above documents had been completed, Jose returned to the American Consulate and was given an appointment for a medical examination, for one of the qualitative restrictions applicable to most classes of immigrants requires that the prospective newcomer be in reasonably good health. When Jose passed the examination, all hurdles had been taken, and he received his immigration visa.

Altogether, 13 months had elapsed between Jose's journey to Mexico City to obtain his passport and the issuance of the visa. When he talked to other applicants in the crowded waiting room of the U. S. consulate he found he was not doing so badly. Other non-priority applicants had to wait longer. Even so, Jose thought it was high time for the formalities to be concluded. Repeated trips from his residence to Guadalajara, the journey to Mexico City, the fees for the necessary documents, and employment losses while he was attending to this matter had just about eaten up his savings. At that he found he was better off than others seeking visa, who had borrowed money from relatives to meet the cost of preparing for the move.

Upon reaching the border of Mexico and the United States, Jose was surprised to find that the United States Immigration and Naturalization Service had to pass again upon his admissibility to the United States, even though the Consulate had approved his documentation and issued him a visa. But there was no difficulty in his case and he finally entered the United States as a resident and began to work for his employer in Fresno.

Jose had hoped to bring his wife and 3 children to the United States within a few months. But with his savings depleted and most of his earnings being spent on necessary living expenses (which were higher than he expected from his previous experience as a bracero) and supporting his family in Mexico, it took much longer to accumulate funds for the cost of documents and the trip. Besides, Jose had to demonstrate to the U. S. Consul in Guadalajara that he could support his family in the United States. Thus, it was nearly two years after his immigration that visa applications were filed for his wife and children.

Of course, Jose's family members had to obtain all the documents he himself had to present to the Consul. However, since Jose was now a lawful resident of the United States, the visa applications for his wife and children were treated as priority cases, and their waiting period was short. The family was finally reunited. Jose had already made friends with people in Fresno's Mexican-American community, and Maria and the children who had been afraid of being lonely in a strange country were pleased to find companionship and help. When last heard from, they were busy learning English.

IV. A HISTORICAL ACCOUNT

The Statistical Evidence

To trace the volume and impact of immigration from Mexico is a task not unlike the measurement of an iceberg's dimensions. The visible part is represented by the fairly firm data on immigrants admitted on permanent visa. The submerged portion is composed of illegal immigrants who have become permanent residents and those who have come to this country for temporary employment--daily commuters to work in border areas, and laborers who follow a migratory route dictated by crops or, in earlier periods, by railroad construction or maintenance and similar jobs. Illegal immigration eludes measurement, but these immigrants, among other things,have augmented the labor force and school population and have often added to the demands made on health, welfare and similar agencies. The reported figures on temporary migrants are inadequate, and their impact on labor markets and social institutions cannot be readily assessed from the data.

Moreover, earlier statistics are so incomplete or inaccurate that long-term trends of Mexican immigration must be analyzed with caution. To compound the problem, statistical classifications have also changed over time, with the result that it is sometimes impossible to present wholly consistent data.

Some analysts have attempted to reconcile the United States figures on Mexican immigration for earlier periods with official Mexican reports on migration to this country, or with U. S. Census data on Mexican-born residents in the United States.[1] The discrepancies found in these laborious investigations are large. Because the country admitting foreigners has a direct legal and administrative interest in their migration intentions, and the means of ascertaining and classifying their status, its records are generally superior to those of the country of origin. For example, Mexican reports usually do not distinguish between permanent and temporary emigrants, except in the special case of the bracero program. Consequently, the data presented here are drawn mostly from the reports of the Immigration and Naturalization Service and its predecessor agencies. Figures of the U. S. Census are also used, but no attempt is made to reconcile the inventory figures of the Census with the flow figures on immigration. Such a reconciliation is bedevilled by the difficulty of accounting for return movements and deaths, not to mention other problems.

Because of the large variety of migration possibilities and the uncertainty of migration intentions, the line of demarcation between permanent and temporary immigration cannot be drawn as sharply as the statistical classification may suggest. Temporary migrants often remained in the United

States and became permanent residents, or they went back to Mexico and re-entered on permanent visa. People who came on permanent visa returned to their homeland, or they chose later to reside in towns south of the border and commute for work on U. S. territory; if they were naturalized, they may appear in statistics as U. S. citizen border crossers. Fluctuations in different kinds of migration may be interdependent. Consequently, one needs to include temporary as well as permanent movements to present a comprehensive picture.

For many analytical purposes the salient movement is net rather than gross immigration. The difficulty of measuring outmigration has baffled many scholars who investigated the classic case of Europeans coming to the United States in the period of mass immigration. In the case at hand, the problem is insurmountable. Voluntary emigration of Mexican aliens was reported in earlier periods but this statistic was abandoned because of its dubious quality. Compulsory return movements are in an altogether different category. They pertain for the most part to persons who were not supposed to be in this country to begin with, and who were never counted as immigrants when they entered. Yet, this is the most important class of outmigration of Mexican aliens from a quantitative point of view. Anticipating data to be presented later, the arithmetic exercise of deducting from gross immigration the involuntary departures (not to speak of voluntary ones) yields the absurd finding that more Mexican aliens left this country in the 1950 - 1954 period than were ever reported as immigrants in all of the preceding years. [2] In fact, these departures resulted from uncontrolled and unrecorded previous entries and from an administrative decision in 1953 - 1954 to round up and repatriate the illegal migrants--''Operation Wetback'' which will be discussed later. Moreover, the reported data refer to the number of departures rather than the number of persons who were forced to leave and, therefore, include a great deal of double-counting. For example, Adolfo Ramirez Lopez, an illegal resident, was put across the border, he returned two weeks later, was found out and again expelled, and came back--and so forth in a game of hide and seek that, among other things, yielded statistics impossible to interpret. The insoluble problem of measuring net immigration in any meaningful fashion forces us to rely on gross figures, while return movements, the bulk of which affected illegal and unrecorded entries, will be treated in a separate context.

The following analysis proceeds by decades and half-decades. This is not merely a matter of convenience. As will be seen, the decades of this century coincide closely with changing forces associated with the volume and composition of Mexican immigration. The possible influence of business cycles, which do not conform to the calendar, is reserved for later discussion.

The Period Before 1910

Literature ranging from historical treatises to folklore testifies to substantial movements of people across the Mexican border long before such movements were controlled, classified, and measured. In fact, one of the early mass migrations occurred just as the southwest territories were annexed to the United States; large numbers of Sonorans and others joined in the trek to the California gold rush. Shepherds, cowboys and farm workers crossed the borderin both directions as if there were no boundary.

In the late years of the 19th Century, the migrations were still highly informal and intermittent, though probably significant in relation to the sparse total population in the areas both north and south of the border. Controls were so minimal that no records whatever were kept from 1886 to 1893, and even the statistics for subsequent years must be considered rough approximations.[3] The manpower and budget of the immigration authorities were absorbed by the mass movements from Europe, and it was the Canadian rather than the Mexican land border which received a great deal of attention; for large numbers of European immigrants landed at Canadian ports in transit to the United States or decided, after a sojourn in Canada, to move on to this country.[4] At the Mexican border, controls and statistical reporting concentrated on the illegal entry of Chinese who were barred under the Exclusion Act of 1882 and of other people who were not of Mexican origin. It was only in 1907 - 1908 that more comprehensive controls patterned on those at the Canadian border were instituted.[5]

Meanwhile, Mexican nationals came to the United States under a variety of arrangements. About 24,000 are reported as immigrants for the first decade of this century. But many more crossed the border for temporary work. Thus, the Annual Report of the Commissioner General of Immigration for the fiscal year 1911 referred to at least 50,000 "nonstatistical" aliens arriving annually in "normal years."[6] Mexican laborers were employed in border areas and beyond as agricultural workers, but also in mining, railroad construction and maintenance, and other non-agricultural jobs.

With the completion of railroads linking the interior of Mexico to the United States around the turn of the century, migration became much easier and less costly. Yet, immigration in the 1900 - 1909 period was of moderate proportions. Most of the substantial foreign labor force employed in Southwest agriculture was still drawn from earlier immigrants from Asia. The vast majority of the Mexican population was immobile geographically as well as socially. Nearly nine-tenths of the total lived in rural areas, and large numbers of agricultural workers were held in peonage. It took a revolution to release the peons from immobility, with consequences which were to have a pronounced impact on Mexican immigration to this country.

1910 - 1919: The Mexican Revolution and the Emergent U. S. Labor Demand

The Mexican revolutionary period beginning in 1910 spurred the first substantial and more permanent movement of people to the United States. Immigration statistics record an increase from nearly 22,000 persons in the 1905 - 1909 period to almost 83,000 in 1910 - 1914 and 91,000 in 1915 - 1919 (Table 1). If one applies the "push and pull" theory of migration, here was an expulsionary force of major dimensions. The immigrants were of varying background--probably more varied than those coming from Mexico either before or after this era. As the later analysis will show, however, the differential characteristics of people entering at that time should not be overdrawn. In addition to upper- and middle-class refugees who felt threatened by the revolution, the immigrants included large numbers of persons who simply sought escape from the hazards to life and the turmoil and uncertainties associated with a fierce, protracted and bloody conflict.

The new mobility injected into Mexican society under these circumstances expressed itself in internal migrations as well as movements across the border. Many Mexicans went from rural to urban areas in their own homeland because safety and order were relatively greater in the cities. Mexico's total population is estimated to have declined between 1910 and 1921 as the revolution (and later the influenza epidemic) took its toll, but the urban population increased by one-tenth.[7] In many cases the decision to seek refuge in a Mexican city or across the border was probably a matter of happenstance, proximity, kinship relations, or previous experience in the United States. One can also assume that the migration intentions even of those who came to this country on permanent visa were generally quite uncertain. There was always hope for remigration when Mexico would return to normalcy. It is perhaps characteristic that a highly placed Mexican-American in Texas, whose parents had immigrated during this period, remembers continuous family discussion of an early return to the homeland until he himself at the age of 18 recognized that "he was here to stay."[8] So long as hopes for eventual return persisted, integration into American society was probably impeded.

In the latter part of this decade, the push of the Mexican revolution was reinforced by the pull of American labor requirements in the Southwest and beyond. World War I sharply increased the demand for American farm and fiber products, but the supply of agricultural workers failed to match the product demand. Farm laborers flocked from the country to the cities, immigration from Europe had been curtailed, and manpower was later drawn into the armed services. Much of the agriculture in the Southwest, especially in California and Texas, depended heavily on seasonal, foreign, low-wage labor which was satisfied with minimal housing and primitive working conditions. In California and other Western states, the Chinese who had toiled on the transcontinental railroads had by 1870 become available for this kind of work. After the Chinese Exclusion Act of 1882, increased numbers of Japanese immigrants, Filipinos, and Hindus augmented the ranks of the remaining Chinese. But the socalled Gentlemen's Agreement of 1907 between the United States and Japanese governments, under which Japan undertook to restrict the issuance of passports to emigrants to the continental United States, shut off this source of labor supply in the following years.

Under these circumstances, growers could make a case for opening the gates at the Mexican border. Mexicans were close at hand and, in view of the economic distress accompanying the revolution, were only too willing to join the succession of foreign groups imported to meet the labor demands of agricultural enterprises. The war-induced labor shortage opened up opportunities in non-agricultural employment as well. Special regulations issued in 1917 to admit temporary farm workers from Mexico were quickly extended to cover railroad maintenance workers and miners.[9] Hence, this period witnessed substantial temporary as well as increased permanent immigration. But the dividing line between these two classes was not as final as it may seem. Of the nearly 30,000 Mexican laborers temporarily admitted after May 1917, over 20,000 were reported as still being in this country by June 1919.[10]

1920 - 1929: Mass Migration

Immigration from Mexico reached a peak in the decade of the 1920's, with close to 500,000 reported as entering on permanent visa. Mexican immigrants accounted for 9 percent of all immigrants to this country in the first half of the decade, and nearly 16 percent in the second half when the quota system and European prosperity reduced the movement of people from Europe. In the 1920's, too, emigration from Mexico to the United States reached a peak relative to Mexico's own population. When the number of presumably permanent immigrants is computed as a percent of the average Mexican population during the decade, one finds that 283 of every 10,000 persons left the country for the United States, as against 152 persons in the preceding decade (Table 2). If the additional numbers of temporary migrants could be converted to man-years and the migration of people in productive ages be related to the Mexican labor force, the movement would show even greater dimensions. The mass migration of this period gave indeed rise to the first expressions in Mexican literature of fears that Mexico was losing too many of her more energetic, skilled, and ambitious people to the big northern neighbor.[11] Likewise, apprehensions in the United States about the volume and composition of Mexican immigration led to a vigorous debate over proposed extensions of the quota system to Mexicans and resulted in stricter administrative controls in 1929 (Appendix D).

Table 2

Mexican Immigration to the United States as a Percent of Mexico's Population

Year	Mexican Population a/		Immigration during the Decade	Immigration as % of Population
	Number	Decade Average		
1900	13,607			
		14.383	23,991	0.17
1910	15,160			
		14,747	224,705	1.52
1921b/	14,335			
		15,444	436,733	2.83
1930	16,553			
		18,103	27,937	0.15
1940	19,654			
		22,722	54,290	0.24
1950	25,791			
		30,357	293,469	0.97
1960	34,923			

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a/ In thousands.

b/ The Census was taken in 1921 rather than 1920. The corresponding immigration data cover 11 years from 1910 through 1921. The immigration data for 1921 - 1930 cover 9 years.

Sources: Mexican population: Census of Mexico. Immigration: Annual Reports of the Immigration and Naturalization Service and its predecessor agencies.

Immigration reached high levels despite increased cost and inconvenience to visa applicants. The head tax imposed on all immigrants since the late years of the 19th Century had been raised to $8.00 in 1917; and the designation of American consulates as visa-issuing agencies meant that the entry could no longer be arranged at the border station. Many candidates now had to incur greater travel expenses to file their application, in addition to the fees for Mexican passports and U. S. visa. That immigration during the 1920's reached such large volume in the face of these obstacles reflects extraordinary pressures.

Strong expulsionary and attractive forces, that is, both "push" and "pull" combined to produce the peak immigration of this decade. As for the expulsionary forces, the economic consequences of the Mexican civil war continued well into the 1920's, although the acute distress of the revolution had subsided. Resources had been depleted and capital consumed. Production of some vital commodities was far smaller than before the revolution. Uncertainty remained great. Foreign investment, which had sparked economic development before the revolution, was frightened away. The peons had obtained freedom but no reasonable job security. Progress in agricultural land reform was exceedingly slow. Yet, despite the population losses of the revolutionary era, there were more mouths to feed by the late 1920's than in 1910. Consequently, the economic welfare of most people, extremely low to begin with, deteriorated further. [12]

North of the border, the new era of prosperity acted as a strong magnet. Agriculture prospered, at least in the first few years of the decade, and the trend toward industrialized farming accelerated apace with irrigation. Improved technology, in the form of perfected boxcar and home refrigeration and better canning methods, expanded the market for perishable fruits and vegetables. On the other hand, domestic farm workers continued to move to the cities. The supply of Asian farm laborers had already dried up in the previous decade. In 1930, an official report to the Governor of California based on information for the late 1920's stated that the Mexican "is today a principal source of farm labor in California." And the report cited qualities of this labor supply often to be repeated for more than a generation. "He does tasks that white (sic!) workers will not or cannot do. He works under . . . conditions that are often too trying for white workers. He will work in gangs. He will work under direction, taking orders and suggestions." [13]

But the labor requirements of the rapidly developing Southwest were not limited to agriculture. Manufacturing activities increased sharply. In other parts of the country, the demand for unskilled labor in manufacture and service industries was met in part by Negroes who migrated from the South. Outside of Texas, however, the Southwest's Negro population remained quite small. Under these circumstances, Mexican immigrants provided the solution to the problems of assuring a low-wage labor supply. According to the previously mentioned report to the Governor of California, 383 of 695 industrial establishments which responded to a survey in 1928 employed Mexicans in a large variety of jobs. The establishments with Mexican workers were spread over many industries, and 312 of them reported that Mexicans represented 17.1 percent of their employees. Although most Mexicans were common laborers, they were also employed in relatively skilled occupations. They held jobs as core-makers, machinists and mechanics in metals and machinery; as finishers, machinists and upholsterers in wood manufacturing; mechanics and painters in chemical oil and paint industries; as bookbinders and photo and job press workers in printing and paper industries.[14]

The growing dependence of the Southwest on Mexican labor supply was reflected in stepped-up solicitation of Mexican workers by farm and non-farm enterprises through middlemen--a practice already adopted in earlier periods. It was reflected in strong business opposition to proposals to extend the new system of immigration quotas to Mexicans or people from the Western Hemisphere generally. It was also reflected in the successive renewal of World War I arrangements for admission of temporary workers, although the immigration authorities pointedly stated that "so far as the records indicate, many of the laborers never returned to Mexico."[15] The border control was strengthened in 1924.[16] Nevertheless, illegal immigration seems to have reached large dimensions during this decade. The illegal border crosser could save the head tax, the bother and expense of obtaining the visa from U. S. consulates, or the cost of waiting at border stations; and he could avoid the literacy test. Manuel Gamio has written a graphic description of the ways of the illegal immigrant during this period, of the strategic role of the "coyotes" or professional smugglers and labor contractors, of document forgery, and of American enterprises enticing immigrants and paying commissions to the smugglers.[17]

Thus, illegal as well as legal, and temporary as well as permanent immigrants provided a floating labor supply welcomed by employers and used occasionally to check union efforts to organize domestic workers. But this decade witnessed also precursors of later trouble. In the late twenties the "foreign" group took a leaf from the labor movements both north and south of the border and attempted to establish a Federation of Mexican Laborers' Unions in the United States. The Mexican cantaloupe pickers in the Imperial Valley organized and went on strike.[18] This episode was to be followed by a series of often violent labor struggles in the turbulent era of the 1930's when Mexican-American farm workers in the Southwest found themselves pitted against powerful employers' organizations, law enforcement agencies, and a competing labor supply augmented by the swelling ranks of unemployed and displaced farmers from other areas.[19]

1930 - 1939: Exodus

The Great Depression resulted not only in a drastic decline of new immigration from Mexico (as well as other countries) but produced a massive and in many ways unusual reverse movement.

Immigration had already dropped sharply in the late twenties, from nearly 67,000 in 1927 to 39,000 in 1929. Large segments of American agriculture were in trouble long before the onset of the general slump in business, and one can safely surmise that the demand for additional farm labor was decreasing. Also, the Mexican economy was recovering slowly from the disruptions of the revolutionary period. In 1930 less than 12,000 Mexicans entered this country on permanent visa, and during the decade as a whole only 27,900 entered on this basis as against nearly 500,000 in the twenties. This was a relatively far greater reduction than the over-all decline of immigration to the United States. The share of Mexican in total immigration was less than 4 percent as against more than 11 percent in the decade of the twenties.

As the depression took its toll and soil erosion in the dust bowl regions displaced large numbers of farmers and rural tenants and workers, Western agricultural enterprises found a new source of low-wage labor supply, the "Okies" and the urban unemployed who sought refuge in temporary farm work.

But the outstanding feature of this troubled era, in the Southwest as well as elsewhere, was the repatriation of numerous people of Mexican descent--of legal and illegal immigrants, temporary workers and permanent residents, U. S. citizens and aliens. The repatriation took so many forms that the whole issue is clouded in semantics. As Norman D. Humphrey has observed, "repatriation" denotes a restoration to one's homeland and is a term devoid of emotional overtones. "Deportation" indicates coercion and is a procedure established in law.[20] The return movement to Mexico in the thirties included a huge twilight zone between voluntary and forced migration, and "repatriation" is used here as a generic term for all kinds of departures.

Some Mexicans returned on their own volition. If they had family north of the border, they could count on enough support to keep them from starvation. Increasing numbers of illegal immigrants were expelled under official procedures as federal authorities responded to mass unemployment by tighter enforcement of the immigration laws. Much of the reverse migration, however, fell between these two extremes. It was organized by local authorities and private welfare agencies and assisted by the Mexican government itself. The Commissioner General of Immigration took note of the exodus in these words:

> "An unrecorded but impressive number of Mexicans have returned home in the past year, with the help of the Mexican Government itself or through the efforts and aid of cities, towns, and charitable organizations. They have been going across the border in streams with their small belongings. The Immigration Service had not the facilities to keep count of this hegira, but with the purpose of laying the groundwork for future readmission without expense or trouble, many of the aliens sought to impress upon our officers that they were leaving the country but temporarily. It is certain that nearly all will seek to return when employment and business conditions improve, as our country is the promised land for these people."[21]

Local agencies, saddled with mounting relief and unemployment problems, used a variety of methods to rid themselves of "Mexicans": persuasion, coaxing, incentive, and unauthorized coercion. Special railraod trains were made available, with fare at least to the Mexican border prepaid; the withholding or stoppage of relief payments and welfare services was used effectively when necessary; and people were often rounded up by local agencies to fill carloads of human cargo. In an atmosphere of pressing emergency, little if any time was spent on determining whether the methods infringed upon the rights of citizens. For example, children born in the United States were shipped back along with their parents regardless of legal status. When the children later wished to re-enter this country in the belief that they were U. S. citizens, they could be excluded if they had meanwhile voted in Mexican elections or served in the Mexican Army without realizing that such action meant the loss of U. S. citizenship (see Appendix D for more detailed discussion).

The most graphic account of this episode has come from Carey McWilliams who witnessed it at close range in Los Angeles. He observed that federal deportation proceedings were of small help to local officials bent on speedy solutions since they involved delay and expense and would only apply to cases of illegal entry, and he described the rationale and procedure as follows:

> "It was discovered that, in wholesale lots, the Mexicans could be shipped to Mexico City for $14.70 per capita. The sum represented less than the cost of a week's board and lodging. And so, about February 1931, the first trainload was dispatched, and shipments at the rate of about one a month have continued ever since. A shipment, consisting of three special trains left Los Angeles on December 8. The loading commenced at about six o'clock in the morning and continued for hours. More than twenty-five such special trains had left the Southern Pacific Station before last April.
>
> The repatriation programme is regarded locally as a piece of consummate statescraft. The average per family cost of executing it is $71.14, including food and transportation. It cost Los Angeles county $77,249.29 to repatriate one shipment of 6,024. It would have cost $424,933.70 to provide this number with such charitable assistance as they would have been entitled to had they remained--a saving of $347,468.41.
>
> Thousands have departed of their own volition. In battered Fords carrying two and three families and all their worldly possessions, they are drifting back to *el terenaso* --the big land. They have been shunted back and forth across the border for so many years by war, revolution, and the law of supply and demand, that it would seem that neither expatriation or repatriation held any more terror for them"[22]

The statistical record of the exodus is incomplete, but some of its major dimensions are shown in Tables 3 and 4. In the four years of the 1930 - 1934 period for which information is available, more than 64,000 Mexican aliens departed without federal proceedings, as against a little over 20,000 in the last half of the 1920's. This more or less voluntary exodus subsided in the latter phase

Table 3

Apparent Net Immigration From Mexico,
1920 - 1939

Fiscal Year	No. of Immigrants	Emigrant Aliens a/	Apparent Net	Emigration as % of Immigration
1920	51,042	6,606	44,436	12.9
1921	29,603	5,705	23,898	19.3
1922	18,246	6,285	11,961	34.4
1923	62,709	2,660	60,049	4.2
1924	87,648	1,926	85,722	2.2
1925	32,378	2,954	29,424	9.1
1926	42,638	3,158	39,480	7.4
1927	66,766	2,957	63,809	4.4
1928	57,765	3,957	53,808	6.8
1929	38,980	7,195	31,785	18.5
1930	11,915	6,355	5,560	53.3
1931	2,627	14,442	-11,815	549.8
1932	1,674	37,074	-35,400	2,214.7
1933	1,514	n. a.	n. a.	n. a.
1934	1,470	6,501	-5,031	442.2
1935	1,232	6,720	-5,488	545.4
1936	1,308	5,218	-3,910	398.9
1937	1,918	3,745	-1,827	195.2
1938	2,014	3,667	-1,653	182.1
1939	2,265	5,117	-2,852	225.9

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a/ Mexican emigrant aliens departed, by country of last permanent residence. This latter designation means that the figures may include non-Mexicans who had resided in Mexico before they immigrated to the United States. In contrast, the immigration data used here refer to persons born in Mexico. In addition to this minor defect, there are other, potentially more serious ones. It is not clear whether the data on departures of emigrants refer only to aliens who had entered on permanent visa. They may include non-immigrant aliens. For example, 2,187 of the 3,158 Mexican aliens who departed in the fiscal year 1926 had resided one to five years in the United States (Annual Report of the Commissioner General of Immigration for the fiscal year 1926). Further, a true statistic on emigration should include Mexican aliens who had become U. S. citizens before they returned to Mexico. To judge from available data, however, this seems to have been a small number in periods for which reports are published. In the period after World War II, statistics on departures of aliens as well as citizens have been reported in terms of "Passengers departed," which measures international passenger traffic of all kinds. These data are, therefore, useless for any attempt to measure outmigration relative to immigration.

Source: Annual Reports of the U. S. Immigration and Naturalization Service and its predecessor agencies.

Table 4

Mexican Aliens Expelled, Compared with All Aliens Expelled

Number of Expulsions, Five-Year Periods 1910 - 1964 [a]

	Deported [c]			Required to Depart [c]		
Period [b]	Mexican	All Aliens	% Mexican	Mexican	All Aliens	% Mexican
1910 - 1914	1,181	16,010	7.4	n. a.	n. a.	n. a.
1915 - 1919	3,534	11,835	29.9	n. a.	n. a.	n. a.
1920 - 1924	5,096	21,694	23.5	n. a.	n. a.	n. a.
1925 - 1929	15,434	56,594	27.3	n. a.	n. a.	n. a.
1930 - 1934	35,535	82,943	42.8	39,380	52,237	75.4
1935 - 1939	23,030	43,820	52.6	24,805	43,885	56.5
1940 - 1944	17,078	26,456	64.6	40,191	66,246	60.7
1945 - 1949	70,505	84,719	83.2	785,326	840,796	93.4
1950 - 1954	63,515	87,149	72.9	3,841,562	3,909,092	98.3
1955 - 1959	25,113	42,537	59.0	237,093	423,715	56.0
1960 - 1964	20,490	38,144	53.7	67,170	149,872	44.8

a/ The reported figures refer to cases rather than persons and include double-counts of individuals expelled more than once.

b/ Fiscal years.

c/ Different procedures apply to these two types of compulsory repatriation. Deportations are based on formal procedures including hearings and appeals. In the case of aliens "required to depart," the Immigration and Naturalization Service presents its evidence of illegal entry to the alien or his representative and gives him the option to depart voluntarily in order to avoid formal deportation proceedings. This is usually applied to first offenders. Aliens who choose this option are not debarred from subsequent legal admission if they qualify. In contrast, aliens who have been deported generally are ineligible for later legal admission. In recent years, the reports of the Immigration and Naturalization Service have changed the classification "required to depart" to "aliens departing voluntarily," but under the general heading "aliens expelled." The new label is highly ambiguous since it obscures the difference between aliens who depart entirely on their own volition and those who do so under the threat of deportation. For this reason, the designation "required to depart" has been maintained in the table. The category "required to depart" was first recorded in 1927 for all aliens and in 1930 for Mexican aliens.

Source: Annual Reports of the U. S. Immigration and Naturalization Service and its predecessor agencies.

of the depression, but the entire decade was characterized by net outmigration--probably the only extended period of such migration in the history of movements across the Mexican border. Nearly 89,000 Mexican aliens departed in the 1930's while 27,900 immigrated on permanent visa.[23] Deportations and other expulsions under federal proceedings, which are not included in the above figure on outmigration, were also at a high level. The magnitude of the exodus is illustrated (though not measured) by the decline in the Mexican born population in the United States from 639,000 persons in 1930 to little over 377,000 in 1940 (Table 21).

The repatriations of the 1930's and their particular methods need to be recorded here not only for the sake of completing the historical account. In all probability, they had a significant impact on the relations between the Mexican-American minority and the host society. Only a few years earlier, many of those now ejected had been actively recruited by American enterprises. When they were shipped off as surplus, or when those who remained saw others returned to Mexico sometimes regardless of their legal status, the experience probably served to strengthen their mistrust of the host society, add to their feeling of alienation, and confirm their worst views of government as something to fear and avoid. Also, the repatriations were bound to have repercussions in Mexico itself. President Lazaro Cardenas in 1938 spoke publicly of the depressing conditions of Mexican nationals abroad and of the need for assisting them in their repatriation.[24]

1940 - 1949: Birth of the Bracero Program

Mexican immigration was slow in responding to the new conditions in the U. S. economy during World War II and its aftermath. The demand for labor increased sharply as a result of this country's growing role as an "arsenal of democracy" and its later direct participation in the war. However, a large reservoir of unemployed domestic workers was available before labor shortages became acute. Mexico, too, enjoyed increased prosperity associated in part with rising demand for some of her export products. Besides, immigrants to this country faced the prospect of service in the United States armed forces if they were of draft age, and some of Mexico's manpower was drawn into military service there when Mexico in June 1942 declared war against the Axis nations.

Immigration on permanent visa totaled 16,500 in the first half of the 1940's, and even the nearly 38,000 recorded for the second half were far below any five-year volume between 1910 and 1929. What made this decade notable in the history of Mexican immigration was the resumption of large-scale importation of workers for temporary jobs and the birth of the bracero program--the recruitment of agricultural labor organized and regulated under bilateral government agreement. First conceived as a war emergency measure, the program was destined to become a permanent fixture until it came to an end in December 1964, twenty-two years after its inception. At this writing, at least, the number of temporary workers admitted in 1965 was so small and so severely controlled that the Congressional intent of terminating the program at the end of 1964 seems to be essentially met.

Although the present study focuses on Mexican-Americans in urban areas, the bracero program warrants attention. The program has had an impact on permanent immigration by bringing tens of thousands of Mexicans to the American scene. Some of the braceros may have been disillusioned. In fact, Mexican writings typically express the bracero's disappointment and also intense dissatisfaction with the handling of the program in Mexico as well as the United States). But the literary treatment of the subject is probably not representative of the reactions of the majority of braceros. It appears that many of them liked the exposure sufficiently to return to this country on permanent visa or to stay illegally and move to cities.[25] In these cases one may assume, among other things, that the contact with a high-level economy raised levels of aspiration or of perceived earning potentials to the point where the sense of privation in the previous environment was greatly strengthened. On the other hand, the program may have reduced the pressure for immigration by offering an economic alternative to the income gains expected from permanent relocation. It is not unlikely that both of these influences were at work at the same time. Still another reason for dealing with braceros in the context of this study is the effect of the importation of temporary workers on the economic position of the resident Mexican-American population engaged in agricultural work. Finally, the bracero has become a highly erroneous symbol for the general public, especially outside the Southwest, of the kinds of people described as Mexican-Americans--foreign field hands who come and go, when in fact the vast majority of Mexican-Americans now live in cities and are permanent residents or citizens.

Employers' requests for temporary admission of unskilled Mexican workers, under the still existing provisions of the Immigration Act of 1917, began to mount in late 1941 and especially after Pearl Harbor. The requests came mainly from sugar beet, cotton, and vegetable growing areas and were first met on a modest scale.[26] In the spring of 1942, similar requests were granted for railroad workers.[27] Meanwhile, the U. S. and Mexican governments began negotiations for a controlled recruitment program, which culminated in an executive agreement ratified in August 1942.

This innovation included a number of special features to safeguard the national interests of the two governments in conducting their war effort and to protect the Mexican migrants. The latter were to be exempted from military service. No discrimination against them was to be allowed. The U. S. government acted as the labor contractor. Transportation expenses for the round trip and living expenses on route were guaranteed. Wages were to be paid at the prevailing local level, with a minimum of initially 30 cents per hour. Work was guaranteed for three-quarters of the contract periods. The U. S. government was to see to it that adequate housing and sanitary facilities were provided. Braceros could buy merchandise at places of their choice. An amount equal to 10 percent of each worker's earnings was to be placed in a Mexican savings fund on which he could draw after his return. To protect domestic labor, Mexican workers were to be admitted only to fill demonstrated shortages.

Thus, the agreement was designed to remove some of the undesirable and inequitable features of the previously unregulated importation of temporary labor. At the same time, the regulation involved complex cooperative arrangements not only between the two governments but also between each of these and employers' organizations or individuals. The Mexican government established recruitment centers and collected fees from applicants to cover processing costs and contingent liabilities. The U. S. government collected fees from employers to cover its cost and set up coordination between the numerous war agencies involved in the program.

This international agreement was extended with minor changes not only throughout the war but to the end of 1947 and, after a three-year period in which Mexican farm labor was recruited under somewhat different arrangements, the bracero program was revived in 1951 essentially in its old form. In fact, the program reached its most massive dimensions long after World War II. The number of Mexican contract workers admitted for temporary agricultural employment increased from 4,203 in 1942 to 62,170 in 1944, fell sharply in the early post-war period, rose to 197,100 in 1952 after the bracero program was reinstated, and reached a peak of 445,197 in 1956 (Table 11). However, a sub-program which provided workers for railway construction and maintenance was terminated after the war. New labor contracting was stopped in August 1945, and the last of the Mexicans departed in April 1946. In July 1945, about 65,000 Mexican laborers had been employed by various railroad companies.[28]

Agricultural employers in the United States were able to make such a persuasive case for resuming the bracero program that the Congress in 1951 enacted Public Law 78 to replace the previous executive arrangements. The familiar argument that the supply of domestic workers was insufficient in quantity and unqualified for stoop labor was strengthened by the manpower demands resulting from the Korean hostilities. Labor unions and welfare organizations offered the equally familiar counter-argument that the availability of domestic labor could not be tested so long as there was an actual or even potential supply of foreign workers, and wages, working conditions, and living accommodations were geared to it; but they lost their case.[29] The Mexican government, despite dissatisfactions and even crises in the execution of the program, felt under public pressure to renew the bilateral agreement and thus relieve the continuous problem of domestic under-employment and distressingly low income. Besides, remittances of the temporary workers made a contribution to Mexico's dollar income.[30] If Mexico was destined to meet the demand for temporary workers in U. S. agriculture, it seemed far better to regulate the supply and try to provide minimum safeguards for the workers' welfare. Consequently, the Mexican government in August 1951 again became partner of a new international agreement which, with minor variations, was extended until the end on 1964.

Illegal migration of "wetbacks," however, continued even after the initiation of the bracero program. By going this route, Mexican laborers could save the time, inconvenience, and expenses involved in travelling to their government's recruitment centers (of which there seem to have been too few), as well as the official fees and the unoffical commissions which appear to have been exacted by middlemen. And American farm enterprises continued to offer employment to all comers. The growers could avoid the red tape of the bracero program, save the $25 bond required for each worker and the $15 contracting fee imposed by the U. S. government, and circumvent the minimum employment period and the wage and other safeguards built into the official arrangements.[31] Thus, Mexican braceros and wetbacks often worked side by side on ranches and farms. In the early postwar years, the situation became so confused and intolerable that administrative arrangements were made to convert the illegal migrants by transporting them across the border and readmitting them as "legally contracted workers"--a process aptly called the "drying-out" of wetbacks.

If the bracero program was expected to stem the tide of wetbacks, it was a failure. Wetbacks continued to be a major problem well into the 1950's. Of course, no statistics are available, but the data on Mexican aliens who were expelled provide a "proxy", though they are bedevilled by the double-counting mentioned earlier. As shown in Table 4, nearly 856,000 cases of expulsion were recorded in the last half of the 1940's as against little over 57,000 in the first half; and deportations alone totaled 70,505 compared with 17,078 in the earlier period. However, repatriations reached a climax in the next decade.

1950 - 1959: Renewed Mass Immigration and the Expulsion of Wetbacks

The story of the 1950's is one of sharply rising immigration on permanent visa or for temporary work and of "Operation Wetback" --the most massive and most highly organized effort in our history to apprehend and repatriate illegal migrants. As will be seen, these two phenomena are probably interrelated.

Immigration on permanent visa began to accelerate in the early fifties. Entries of this type increased steadily from 6,372 in 1951 to over 65,000 in 1956--a number exceeded only in 1924 and 1927 and not surpassed in any subsequent year. In the decade as a whole, nearly 293,500 were recorded, and the share of Mexican in total immigration exceeded 15 percent in the second half of the 1950's. This was only slightly less than in the second half of the 1920's (Table 1). Relative to the average Mexican population during the decade, however, emigration to the United States on permanent visa was much smaller than in the second and third decades of this century. Only 97 our of every 10,000 people moved to this country as against 283 in the 1920's and 152 in the 1910 - 1920 period (Table 2).

The increased volume of Mexican immigration did not reflect any liberalization of the law or its administration. The Immigration and Nationality Act of 1952, which recodified existing statutes and introduced changes affecting mainly Europeans, left the position of Mexican immigrants essentially intact. By introducing the job offer as one of the criteria for assuring American consuls that the visa applicant would not become a public charge, the Act of 1952 could be expected to restrain immigration from Mexico. But, as will be seen later, this did not become a serious matter until 1963.

While permanent immigration accelerated, the number of temporary workers admitted under the bracero program or under the Immigration Act of 1917 mounted also rapidly; and it reached a peak in 1956, simultaneously with the decade peak of permanent immigration. The annual figures on entries overstate the employment of temporary workers at any given time during the year, for they include repeated border crossings of the same persons and reflect labor turnover. But the data on annual average employment of temporary Mexican workers show also a strong expansion to the late 1950's (Table 11).

The drama of the 1950's, however, was enacted in "Operation Wetback." As was mentioned earlier, the attempt to channel the irresistible wave of temporary farm workers into the orderly and regulated bracero program had been only partially successful. Proposals to make it an offense to employ persons who were in this country illegally met with employers' resistance, and only the willful importation, transportation and harboring of illegal aliens was made a felony in 1952 (with employment not deemed to constitute harboring).[32] The Immigration and Naturalization Service reported for the fiscal year 1953 that "the human tide of 'wetbacks' continues to be the most serious problem of the Service, volumewise. For every agricultural laborer admitted legally, four aliens were apprehended by the Border Control." Of the 875,000 persons apprehended during the fiscal year, 30,000 were found to hold industrial and trade jobs rather than jobs in agriculture, and 1,545 were smugglers of alien labor.[33]

The existing program of apprehending illegal migrants was extended from the border to interior points, and a massive round-up and repatriation effort got under way in June 1954. A "Special Mobile Force Operation" was organized with military precision. It concentrated first on California and then on Texas, but included also such cities as Spokane, Chicago, Kansas City, and St. Louis.[34] The operation was reminiscent of the expulsions of the depression period, but far more people were involved and the program was executed by the duly authorized federal agency under procedures anchored in law. Nevertheless, the firmer legal basis did not preclude infringements of civil rights, as is attested by subsequent court cases (Appendix D). If a person could not immediately furnish documentary evidence of his legal status when federal inspectors confronted him at home or in the street or other public places, he was likely to be apprehended and sent back to Mexico. Since the previous system of placing the expelled people merely across the border made re-entry too easy, the authorities organized airlifts and trainlifts to places near their homes in Mexico.[35]

The number of apprehensions rose from 875,000 in the fiscal year 1953 to 1,035,282 next year. As Operation Wetback was phased out, it fell to 256,290 in 1955 and 90,122 in 1956.[36] In mid-1955 the Immigration and Naturalization Service reported that "for the first time in more than ten years, illegal crossing over the Mexican border was brought under control."[37] In the first half of the decade, as many as 3.8 million cases of expulsion of Mexican aliens were recorded; however, these include double-counts. Only 63,515 were deported under formal proceedings; the others were expelled under threat of deportation (see Table 4 and the notes thereto).

There is a strong presumption that Operation Wetback accounted at least in part for the large and steady increase in permanent immigration from 18,454 in the fiscal year 1953 to 65,047 in 1956, which was followed by a decline to 23,061 in 1959. Some of the expellees who were persuaded to leave rather than be deported re-entered after a while with "clean papers." This movement had the effect of producing a temporary bulge in permanent immigration. The year-to-year changes in the volume of admissions in the 1950's may also be associated with the labor demands created by the Korean hostilities and with the business cycle (Chapter IX). Operation Wetback can also be credited with the sharp increase in the regulated employment of braceros between 1953 and the late years of the decade. Illegal entry for temporary farm work was no longer a substantial substitute for participation in the bracero program. At long last, then, the bracero theme was no longer played out against a "wetback obligato," to use Ernest Galarza's apt phrase.[38] Illegal immigration had been reduced from a flood to a trickle.

The mass repatriations of this period were bound to affect the relationship between the Mexican-American community and the host society, as did those of the 1930's. The community was deeply involved to the extent that some of its members with long residence status in this country were apprehended and sent back to Mexico because their papers were not in order. This meant disruption of family and kinship ties and could not help but strengthen feelings of alienation from American society and mistrust of government. Also, the methods employed in the round-up were often less than gentle or considerate. On the other hand, growing sections of the community were opposed to the importation of temporary workers who were often in competition with resident Mexican-Americans, and especially to the wetback traffic. Ever since the first attempts to organize Mexican farm workers in the late 1920's, the regulation and restraint of immigration has been one of the stated objectives of many Mexican-American organizations. Stricter law enforcement conformed to this position. At the same time, many members of the group felt protective toward the individuals who were apprehended, especially when kinship ties were involved, or expellees had been employed by persons of Mexican descent.

Subject to further study of the attitudes of the Mexican-American community toward immigration and the immigrants, one might say at this point that the group's response to the mass repatriations was not devoid of ambiguity. This is not unusual. Organized labor, for example, has traditionally favored immigration restrictions, although unions included many foreign-born people. At the collective level, economic solidarity has typically turned out to be stronger than ethnic solidarity with landsmen abroad. Behavior at the individual level, however, has often been different. Many a union member who voted with conviction for a resolution in favor of immigration restraints sent the day after an affidavit of support to a relative or friend in the old country who begged to join the ranks of newcomers to this country.

The repatriations had repercussions in Mexico as well. In addition to the economic burden of accommodating the expellees in job markets and social services, the episode gave new impetus to anti-emigration literature and writings deploring the condition of Mexican-Americans in this country.[39] However, if one seeks evidence in the form of individual decisions rather than words, it is difficult to trace any significant response to these writings. Large numbers of Mexican nationals continued to flock to the United States as immigrants or temporary workers; the first half of the 1960's witnessed a resurgence of entries for permanent residence; and a later ebb in the flow of people across the border resulted from restraints by U. S. authorities rather than any ascertainable reduction in the propensity of Mexicans to migrate to this country.

The 1960's: A New Era of Controls

The past few years have brought developments of extraordinary significance to the population movement from Mexico. A continued high level of permanent immigration in the early 1960's was followed by a sharp decline in the fiscal year 1964 when novel administrative restrictions became effective. The bracero program was terminated at the close of the calendar year 1964. In 1965, the Congress imposed a ceiling of 120,000 a year on immigrants from Western Hemisphere countries, to become effective three years later. This legislative action, taken over the Administration's opposition, provided a clue to Congressional sentiment in favor of control--a clue that may be significant for the more distant future. At the same time, public attention shifted increasingly to the "commuters," and one can say at the normal risk involved in prophecy that the commuter problem, long smoldering, is likely to emerge as another major issue in immigration policy affecting Mexicans.

In the first half of the decade nearly 218,000 Mexicans came on permanent visa, a rate exceeded only in the 1920's. The share of Mexican in total immigration remained over 15 percent, which was close to the peak of 1925-1929. However, an abrupt change occurred in 1964; less than 33,000 Mexicans were admitted as against over 55,000 the year before. On July 1, 1963, a new procedure was announced "for persons wishing to immigrate into the United States on the assurance of jobs by American employers" (Appendix B). Henceforth, American consular offices in Mexico were to require that the employer's job offer be endorsed by the U. S. Department of Labor, which in turn uses the affiliated State Employment Service agencies for fact-finding and recommended action. Endorsement was made dependent upon a finding that no sufficient supply of domestic workers was available for the job and that employment of the alien would not adversely affect the wages and working conditions of such workers. This new procedure applied only to Mexican immigrants, although authority for its general use was provided in the Immigration and Naturalization Act of 1952. Since it was introduced with a routine press release by the U. S. Department of Labor, the action went largely unnoticed but its repercussions became well enough known among the directly interested groups.

Previously, American consuls in Mexico as well as elsewhere had commonly required a job offer from a U. S. employer as part of the evidence that the visa applicant would not become a public charge (except for special classes of applicants such as spouses of U. S. citizens). The consul had no means of determining whether this was a bona fide offer made by a bona fide employer, and whether more than temporary employment was intended. Officials had reason to suspect widespread abuse on all these counts. The new certification procedure provided for review of the legitimacy and duration of the employment offer. Beyond such tightening of rules, however, the method made the granting of visas dependent upon an official evaluation of the labor-market impact of a job offer. Thus, the principle of applying no quantitative restrictions to natives of the Western Hemisphere, and using merely the qualitative criteria applicable to all immigrants, was modified in the case of Mexicans. Instead of a quota based on national origin, the authorities introduced a quantitative control based on the labor-market impact of prospective immigrants--a substantial departure from previous practice. It is probably significant that the initiation of this control was preceded by a sharp increase in the early 1960's of the number of Mexicans who registered with American consuls for visa, and by lengthening administrative waiting lists for the processing of applications.[40]

Likewise, the termination of the bracero program marks the end of an epoch. Historically, agriculture in the Southwest has relied on a succession of foreign workers from different racial and ethnic groups to meet its labor needs. Mexicans were the last major group in this line of succession. If they remain excluded, agriculture especially in California and Texas faces a new set of conditions, with consequences on output, prices, union organization, and technological changes which cannot yet be assessed. The end of the bracero program was preceded by a sharp decline in the use of legally admitted workers for temporary farm employment (Table 11): and this decrease was apparently a function of tighter control and lower labor demand rather than a reduced supply of braceros.

The implications for Mexican immigration of the new ceiling on the admission of nationals of Western Hemisphere countries will engage our attention in the final chapter. Since this legislation does not take effect before 1968, it presents a relatively remote issue. However, the commuter problem is current and likely to become acute. For years if not decades, Mexican nationals as well as U. S. citizens living south of the border have more or less regularly commuted to work on U. S. territory. These movements have provided U. S. employers in border areas with an additional labor supply at relatively low wages, and they have been increasingly opposed by domestic labor unions. The volume of commuting and some of its economic consequences are discussed in Chapter VII, and the complex legal issues which it poses are dealt with in Appendix D. What matters here is the mounting evidence that the commuter system is under organized fire.

When the strike-bound Peyton Packing Co. in El Paso replaced domestic workers with commuters from Juarez, the Amalgamated Meat Cutters in 1959 brought suit against the immigration authorities for allowing the strike-breakers to enter the United States.[41] In 1962, the Texas AFL-CIO joined with individual Mexican American and other union members in a law suit in which it claimed that the U. S. Attorney General, by permitting commuters to take jobs in this country, failed to enforce the immigration law.[42] Early in 1965, the California Labor Federation, AFL-CIO, announced an intensified drive to "protect workers on both sides of the California-Mexican border from exploitation . . ." The drive was mapped at a conference of the Joint United States-Mexico Trade Union Committee and was aimed mainly at organizing the commuters.[43] The National Conference on Poverty in the Southwest, held in January 1965, served as another platform for stressing the urgency of the commuter problem.[44]

Attacks on the commuter system will probably intensify, particularly if the termination of the bracero program should result in greater reliance on commuters by American farm enterprises along the border. On the other hand, U. S. immigration policy vis-a-vis Mexico has always taken account of supra-national implications, perhaps more so than is true for our relations with other countries; and the commuter issue is a case in point. The U. S. Secretary of State intervened in the suit brought by the Texas AFL-CIO by filing an affidavit in which he cautioned that "a sudden termination of the commuter system as the result of a court decision would have a serious deleterious effect upon our relations with Mexico."[45]

Meanwhile, Mexico's border development program attempts to anticipate trouble not only by augmented investment in Mexican border cities but also with plans to establish bonded manufacturing districts in Ciudad Juarez and later in other places. The objective is to have labor-intensive operations performed south of the border and others on U. S. territory, without customs interference. Thus, the free movements of goods would replace the movement of workers.[46]

Notes to Chapter IV.

1. See especially Manuel Gamio, *op. cit.*, and Paul S. Taylor, *Mexican Labor in the United States -- Migration Statistics* (University of California Publications in Economics, Vol. 6, No. 3, Berkeley, 1929).

2. The reader can engage in the arithmetic exercise by reference to Tables 1 and 4. He will find an excess of involuntary departures over immigration throughout the period 1930 - 1959, with the most dramatic negative figure in the first half of the 1950's. The exercise is not considered worthy of tabular presentation in this report.

3. Thus, the Annual Report of the Commissioner General of Immigration for the fiscal year 1902 states that the reported immigrants "do not include arrivals from the neighboring countries, Mexico and Canada, except such as come from abroad through ports of those countries for the avowed purpose of entering the United States" (p. 1).

4. *Ibid.*, p. 2, and Annual Reports of the Commissioner General of Immigration, 1903 - 1907.

5. Annual Report of the Commissioner General of Immigration for the fiscal year 1907, p.72. See preceding Reports concerning the concentration of controls on Chinese and other Asian arrivals over the Mexican border.

6. Annual Report of Commissioner General of Immigration for the fiscal year 1911, p.160.

7. The official 1921 figures on total population are in dispute, but this dispute concerns only the magnitude of the decline from 1910. Cf. Frank A. Brandenburg, *The Making of Modern Mexico* (Prentice-Hall, 1964), p. 235.

8. Interview notes.

9. Annual Report of the Commissioner General of Immigration for the fiscal year 1918, pp. 15 - 16.

10. Same, for the fiscal year 1919, p. 13.

11. Cf. for example, Enrique Santibanez, *Immigracion Mexicana en Los Estados Unidos* (The Clagg Co., San Antonio, 1930). The author had been Mexican Consul General at San Antonio.

12. Official statistics and estimates illustrate this condition. Although the figures for the revolutionary and post-revolutionary period must be viewed with caution, they can be accepted as approximations. The annual index of agricultural production, which in the 1907 - 1910 period ranged from 148 to 173 (1900 = 100), fluctuated between 83 and 139 in the decade of the 1920's. Crude petroleum production dropped steadily from 193 million barrels in 1921 to 39 million in 1930. The output of most other minerals during the 1920's remained below the pre-revolutionary level. Productivity per worker in 1950 pesos was estimated at 2,903 in 1930 as against 3,137 in 1921. As for land reform, only 5.4 million hectars had been distributed by 1930. Distributions from 1930 to 1940 totaled 20 million hectars. Source: 50 Años de Revolucion Mexicana en Cifras, a volume prepared in 1963 by the Nacional Financiera, S. A., to commemorate the 50th anniversary of the revolution.

13. *Mexicans in California*, Report of Governor C. C. Young's Mexican Fact-Finding Committee (San Francisco, 1930), p. 171.

14. *Ibid.*, Tables 23, 25, and 33.

15. Annual Report of the Commissioner General of Immigration for the fiscal year 1923, p. 28.

16. Same, for the fiscal year 1924, p. 23.

17. Manuel Gamio, *op. cit.*, especially Appendix II.

18. Mexicans in California, op. cit., Chapters VI and VII.

19. Cf. Carey McWilliams, Factories in the Field (Boston, 1939) and North from Mexico (Philadelphia and New York, 1949); also, Ernesto Galarza, op. cit.

20. Norman D. Humphrey, "Mexican Repatriation from Michigan -- Public Assistance in Historical Perspective," The Social Service Review, September 1941, pp. 497 ff. This article, as well as other reports, documents the fact that more or less forced repatriation of Mexicans during the depression was not limited to the Southwest.

21. Annual Report of the Commissioner General of Immigration for the fiscal year 1931, p. 9.

22. Carey McWilliams, "Getting Rid of the Mexican." The American Mercury, March 1933.

23. This is actually an understatement since no data on departures are available for 1933.

24. Memoria de la Secretaria de Relaciones Exteriores, Tomo I, 1940, p. 22.

25. For examples of Mexican literature, see Jesus Topete, Aventuras de un Bracero, first published in 1948 and reissued in a second edition in 1961; Luis Spota, Murieron a Mitad del Rio (1948); and a series of articles published in the summer of 1957 in Impacto, a leading Mexico City magazine. For an example of usually small-scale surveys to ascertain directly the reactions of braceros, cf. Farm Labor, Hearings before the Subcommittee on Equipment, Supplies, and Manpower of the House Committee on Agriculture, 85th Congress, Second Session. Serial CCC, 1958, pp. 412 - 420. In interviews conducted in California and Baja California, 310 braceros of a total of 327 said they would like to come back again as braceros, and 210 of 333 said they would like to come back as permanent immigrants. The survey was undertaken by Henry P. Anderson, at that time a research sociologist at the School of Public Health, University of California, Berkeley.

26. Annual Report of the U. S. Immigration and Naturalization Service for the fiscal year 1942, p. 7.

27. Ernesto Galarza, op. cit., p. 54. Much of the material presented here is drawn from Galarza's book, which provides substantial documentation.

28. Annual Report of the U. S. Immigration and Naturalization Service for the fiscal year 1946, p. 16.

29. Cf. Farm Labor Program, Hearings before the Senate Committee on Agriculture and Forestry, 82nd Congress, First Session (1951), and Farm Labor, Hearings before the House Committee on Agriculture, 82nd Congress, First Session (1951). In 1950, the President had appointed a Commission on Migratory Labor. Among other things, the Commission recommended that "no special measures be adopted to increase the number of alien contract workers beyond the number admitted in 1950." (Migratory Labor in American Agriculture - Report of the President's Commission on Migratory Labor in American Agriculture, 1951, p. 178). Congressional Hearings were also held on successive extensions of the bracero program. Cf., for example, Migratory Labor, Hearings before a Subcommitte of the Senate Committee on Labor and Public Welfare, 82nd Congress, 2nd Session, 1952.

30. Annual remittances to Mexico by braceros between 1943 and 1962 ranged from $17.6 million to $55.1 million (Annual Reports of the Bank of Mexico). Their importance can be gauged by relating them to total receipts on current balance-of-payment accounts, as illustrated below for four years (in millions of dollars). Some analysts believe that remittances are understated.

	Bracero remittances	Total receipts on current account	Remittances as % of total receipts
1945	$ 55.1	$ 500.8	11.0%
	19.4	832.7	2.3
1955	24.8	1,280.3	1.9
1960	36.1	1,520.3	2.4

Balance-of-payments data from Raymond Vernon (ed.), *Public Policy and Private Enterprise in Mexico* (Harvard University Press, 1964), p. 248.

31. For accounts of the mechanics of the wetback traffic, see *Migratory Labor in American Agriculture*, *op. cit.*, pp. 76 - 78, and Ernesto Galarza, *op. cit.*

32. House Committee on the Judiciary, *Study of Population and Immigration Problems* (Special Series No. 11), 1963, p. 38. Public Law 283, March 20, 1952.

33. Annual Report of the U. S. Immigration and Naturalization Service for the fiscal year 1953, p. 3.

34. Annual Report of the U. S. Immigration and Naturalization Service 1955, p. 15

35. Annual Report of the U. S. Immigration and Naturalization Service, 1953, p. 51.

36. Annual Report of the U. S. Immigration and Naturalization Service, 1956, p. 8.

37. Annual Report of the U. S. Immigration and Naturalization Service, 1955, p. 10.

38. Ernesto Galarza, *op. cit.*, Chapter 7.

39. Cf., for example, Luis Spota's novel *Murieron a Mitad del Rio*, published in 1962 and focusing on Texas.

40. Letters from American consuls in Mexico to the author.

41. Amalgamated Meat Cutters v. Rogers, District Court for the District of Columbia, 186 F. Supp. 114 (1960).

42. Texas AFL-CIO, Antonio Aguilar, Julia Amaya, et. al., v. Robert Kennedy, Attorney General, etc. U.S. Court of Appeals for the District of Columbia Circuit, No. 17, 976. One interesting aspect of the case is that commuters intervened and took a position against the plaintiffs. The case was unsuccessfully appealed in 1963; the original judgment that the plaintiffs had no standing to bring this action was upheld, and the substantive issues were left undecided.

43. News release of the California Labor Federation, AFL-CIO, dated February 10, 1965.

44. Report on the National Conference on Poverty in the Southwest, and a statement issued by individual participants under the title "A Call to National Conscience." The conference was held in Tucson on January 25 and 26, 1965.

45. See note 42.

46. Author's interview with Sr. Antonio J. Bermudez, Director General of the Programa Nacional Fronterizo, August 1965. The proposal for a bonded manufacturing district is included in a consulting report "Industrial Opportunities for Ciudad Juarez," prepared by Arthur D. Little de Mexico, S.A. and dated August 1, 1964.

V. CHARACTERISTICS OF IMMIGRANTS

What kinds of people immigrate is, of course, as important a question as how many. Are they married or single, young or old, poor or rich; do they include more men than women, or more children than adults? How well are the immigrants educated? What are their occupations and skills? All of these characteristics, and others as well, have a significant bearing on the impact of immigration on the recipient country (as well as the impact of emigration on the country of origin); their effects extend, among other things, to labor markets, school systems, and social institutions of various kinds; and they may be crucial to the acculturation of the newcomers.

Because of data limitations, the following description is far from being complete or even comprehensive. The immediate purpose here is to analyze selected characteristics of Mexican immigrants in comparison to all immigrants. Only three characteristics are reported in immigration statistics: age, sex, and occupation. In Chapter VIII an attempt will be made to relate these characteristics to the composition of Mexico's population and examine the hypothesis that migration is a selective process.

In summary, the analysis reveals substantial differences between Mexican and all immigrants on practically all counts and for most of the periods for which data are available. Immigrants from Mexico typically include a far larger percentage of males, especially in the productive age groups. In comparison to all immigrants they tend to be clustered in the lower-grade occupations. All of these differences would be accentuated if the characteristics of temporary workers from Mexico were considered together with those of permanent immigrants. While no figures exist on age and sex of temporary Mexican labor, it can be safely assumed that males and young people predominate in this category; and temporary workers have been admitted for farm jobs usually classified as unskilled.

These findings must be interpreted with caution. As will be seen, the differences between Mexican and all immigrants reflect changes over time in the composition of the latter group as well as the former. Moreover, the data presented here compare Mexican immigrants with all newcomers entering this country at the same time. In many ways the age, sex and occupational characteristics of Mexican immigrants of recent years resemble those of Europeans who came to the United States in an earlier epoch. Meanwhile, however, the labor demands of our economy have experienced a drastic change, with the result that the absorption of unskilled or poorly skilled Mexicans in job markets has become far more difficult.

Age and Sex Distribution

Children and young people (under 20) in the postwar years 1950 - 1964 accounted for a significantly larger percentage of Mexican immigrants than is true for all immigrants; and those 60 years and over accounted for a far smaller share of the total (Table 5). These differences may be associated with the greater number of children of Mexican families, as well as shorter average life of Mexicans relative to others. The "over-representation" of children is still more pronounced in the 1905 - 1917 period which includes much of the revolutionary era in Mexico. In this period, also, the share of persons 45 years of age and over was larger among Mexican immigrants than among all immigrants -- again a possible reflection of selective migration during the revolutionary era. Altered age classifications unfortunately make it impossible to trace changes over time with more precision. Nevertheless, it appears that the most productive ages were somewhat under-represented among Mexican newcomers in comparison to all immigrants in the early decades of this century and, to a lesser degree, in the period after World War II. This condition was probably modified by the large number of migrants who came to the United States for temporary employment. Besides, the data are for males and females combined.

In practically all periods for which data are available, male immigrants from Mexico outnumbered females (Table 6). This was also true for all immigrants in the first three decades of this century and conforms to widely verified migration theory. However, total immigration in the period after World War II shows a majority of females. This sex composition probably reflects special immigration provisions for war brides and refugees and quota priorities for close relatives desiring to join their families in this country. Even in the decade of the 1920's, however, the share of males among Mexican immigrants exceeded the percentage of males in total immigration. The opposite was true in the 1910 - 1919 period. Here again, the Mexican revolution may have brought more family immigration than at other times, or it may have caused individual females or mothers with their children to move out of danger.

Still more insight is obtained by analyzing sex ratios, that is, the number of males per 100 females, in the various age groups of immigrants. As shown in Table 7 for the period after World War II, male immigrants from Mexico by far exceeded the number of females in the most productive age groups (20 to 49). In the case of all immigrants, the opposite was true in the 20 to 29 age bracket, and males and females in the middle age classes were more evenly distributed than among newcomers from Mexico. Thus, the earlier impression that the productive age groups were under-represented in Mexican immigration is modified when males only are considered.

Table 5

Age Distribution of Mexican Immigrants Compared With All Immigrants, Selected Periods[a]

Period[b]	Under 14 Mexican	Under 14 All	14 to 44 Mexican	14 to 44 All	45 and over Mexican	45 and over All
1900-1904	12.8	12.4	80.3	82.2	6.9	5.4
1905-1909	22.1	11.9	69.2	83.4	8.7	4.7
1910-1914	24.0	12.7	66.7	81.7	9.3	5.6
1915-1917	30.7	16.0	58.5	73.8	10.7	10.1
1920-1924[c]	20.9	18.6	71.8	72.2	7.3	9.2

Period[b]	Under 16 Mexican	Under 16 All	16 to 21 Mexican	16 to 21 All	22 to 44 Mexican	22 to 44 All	45 and over Mexican	45 and over All
1925-1929	16.0	16.2	22.2	23.3	54.7	51.4	7.1	9.0

Period[b]	Under 10 Mexican	Under 10 All	10 to 19 Mexican	10 to 19 All	20 to 29 Mexican	20 to 29 All	30 to 39 Mexican	30 to 39 All	40 to 59 Mexican	40 to 59 All	60 or over Mexican	60 or over All
1950-1954	18.4	15.9	16.8	12.2	30.5	29.1	19.0	19.5	11.7	19.7	1.8	3.6
1955-1959	18.0	16.2	16.2	15.1	32.0	31.8	19.0	18.6	12.9	15.4	1.9	2.8
1960-1964	20.3	16.3	18.4	15.9	30.9	29.1	18.9	19.5	13.2	19.6	2.0	3.5

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[a] Age classifications have changed over the years. Only periods with fairly consistent classifications have been selected.

[b] Fiscal years.

[c] The age classification for this period is: under 16, 16 to 44, and 45 and over.

Note: Because of rounding, percentages for "Mexican" and "all" do not necessarily add to 100.

Source: Annual Reports of the Immigration and Naturalization Service and its predecessor agencies.

Occupational Distribution

The occupational background of Mexican immigrants differs sharply from that of all immigrants, and this is true for nearly all of the periods covered by Table 8. In comparison with other immigrants, Mexican newcomers are under-represented in high-grade occupations such as professional and technical or managerial, and even among clerical workers, craftsmen, and operatives. They are heavily concentrated in the group classified as "laborers except farm and mine." It may seem strange that few farm laborers and foremen are reported among Mexican immigrants relative

Table 6

Sex Distribution of Mexican Immigrants, Compared with All Immigrants, Five-Year Periods, 1900 - 1929 and 1950 - 1964

	Mexican Immigrants [b/]		All Immigrants	
Period[a/]	% Male	% Female	% Male	% Female
1900 - 1904	70	30	70	30
1905 - 1909	66	34	70	30
1910 - 1914	63	37	67	33
1915 - 1919	57	43	59	41
1920 - 1924	68	32	57	33
1925 - 1929	70	30	55	45
1950 - 1954	51	49	46	54
1955 - 1959	55	45	46	54
1960 - 1964	54	46	45	55

[a/] Fiscal years

[b/] By country of birth

Source: Annual Reports of the Immigration and Naturalization Service and its predecessor agencies.

Table 7

Sex Ratios for Mexican Immigrants and All Immigrants, by Age Groups, 1950-1964 (Males per 100 Females)

	1950 - 1954		1955 - 1959		1960 - 1964		Total 1950 - 1964	
Age Groups	Mexican	All	Mexican	All	Mexican	All	Mexican	All
Under 10	100.0	103.7	103.6	104.3	101.3	103.0	102.0	103.7
10 - 19	76.2	80.3	83.9	78.2	96.0	76.0	88.0	77.8
20 - 29	99.2	66.2	128.0	70.9	134.0	67.2	125.4	68.3
30 - 39	148.8	107.7	181.3	103.3	162.9	96.1	168.3	102.0
40 - 49	110.3	105.3	138.7	105.4	139.3	92.4	133.5	101.3
50 - 59	93.0	90.4	93.6	81.6	83.8	75.4	89.2	82.3
60 or over	75.5	64.5	80.6	61.6	96.8	68.3	88.4	65.0
Total All Ages	102.9	86.8	120.8	85.9	119.5	81.0	117.3	84.4

Source: Annual Reports of the U. S. Immigration and Naturalization Service.

to all immigrants. Only in the 1955 - 1964 period did the percentage of persons in this group among Mexicans exceed the percentage for all immigrants. But it must be remembered that the data pertain only to recorded permanent immigrants. For many decades large numbers of Mexicans sought temporary jobs on U. S. farms and ranches, either in informal or regulated style, and agricultural workers seem to have considered this kind of migration an alternative to permanent relocation. If temporary farm labor was included, the occupational composition shown in Table 8 would be drastically changed, as would the age and sex distributions.

Turning to detail, one can detect some trace of the special characteristics of immigrants coming to this country during the Mexican revolution. The share of people in professional, technical, and managerial occupations in the 1910 - 1919 period was relatively large. Another noteworthy detail is the recent reversal in the category "private household workers." In the 1910 - 1929 period, Mexican immigrants were greatly under-represented in this group (in comparison to all immigrants). In 1950 - 1964, they were markedly over-represented.*

Despite the concentration of Mexican immigrants in low-grade occupations, the supply of skilled people was not negligible. In the 15 years from 1950 to 1964, nearly 13,000 were in the combined group of professional, technical, managerial, and proprietors (omitting farmers); and over 48,000 were reported in clerical work and as craftsmen, foremen, and operatives. Nevertheless, if one assumes that occupation is associated with educational attainment and with the capacity of individuals for assimilation, the preponderance of low-grade occupations among Mexican immigrants has probably retarded their acculturation. If one assumes further that an economically and culturally deprived home environment generally retards the acculturation of children, it follows that the occupational distribution of Mexican immigrants has had similar effects on the second generation as well.

These observations must be tempered by noting the somewhat tenuous quality of the data. Occupations are reported on the basis of the immigrants' own response on governmental forms, and the results may not be strictlv comparable for applicants coming from different countries and cultures.

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* To highlight the comparison, Table 8 relates Mexican as well as all immigrants in each occupational class to the totals with reported occupation. It omits the rather large category "all others," which includes housewives, children and others with no classified or reported occupation. For a distribution showing the latter category, see Table 22. This table reveals that the percentage of "all others" among Mexican immigrants of the 1910 - 1919 period was extremely high in comparison to all immigrants. Again, this observation may reflect greater preponderance of family migrations associated with the Mexican revolution and its aftermath, while immigration from other lands included a larger percentage of single persons with reported occupation.

Table 8

Occupational Distribution of Mexican Immigrants
Compared with all Immigrants
Five-Year Periods, 1910 - 1929 and 1950 - 1964 a/

Occupations	1910-1914	1915-1919	1920-1924	1925-1929	1950-1954	1955-1959	1960-1964
Professional, technical, and kindred							
Mexican	4.8%	8.0%	3.7%	5.9%	5.2%	2.6%	3.0%
Total	3.6	10.7	9.7	14.2	14.9	15.6	19.0
Farmers and farm managers							
Mexican	1.2	3.1	1.3	1.1	6.5	2.1	1.3
Total	1.5	3.7	4.4	5.6	8.6	2.7	1.7
Managers, officials & proprietors							
Mexican	2.5	4.9	2.0	1.6	4.9	2.1	1.4
Total	1.7	3.9	3.0	2.0	5.3	4.0	4.4
Clerical, sales and kindred							
Mexican	0.1	0.2	0.1	0.1	8.1	6.6	4.9
Total	0.2	0.8	0.4	0.9	14.9	16.8	20.5
Craftsmen, foremen and kindred							
Mexican	5.7	8.1	5.6	6.7	12.7	8.2	7.0
Total	10.8	11.3	14.9	14.5	16.4	16.9	13.7
Operatives and kindred							
Mexican	5.3	4.5	2.6	2.4	10.3	6.0	4.0
Total	6.2	9.7	9.3	6.8	17.0	12.4	10.8
Private household workers							
Mexican	3.4	6.1	2.5	3.8	15.3	16.9	15.1
Total	15.8	15.5	16.9	16.3	7.7	8.1	6.8
Service workers except household	0.3	0.4	0.3	0.4	3.2	3.2	2.2
Mexican	0.5	0.6	0.7	0.6	5.0	6.2	7.2
Farm laborers and foremen	2.2	1.6	1.2	6.7	3.4	6.3	21.6
Mexican	32.9	11.1	6.6	11.0	3.5	3.7	5.0
Total							
Laborers except farm and mine							
Mexican	74.4	63.1	80.7	71.3	30.4	46.0	39.5
Total	26.9	32.8	34.1	28.1	6.7	13.6	10.9

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a/ Includes only those whose occupations were specified. Mexican immigrants in each occupational class as a percent of all Mexican immigrants with reported occupation, and total immigrants in each occupational class as a percent of all immigrants with reported occupation.

Note:

For the early periods through 1929, the Annual Reports of the predecessor agency of the Immigration and Naturalization Service use detailed classes of occupations, such as physicians, bakers, printers, machinists, and so forth. To combine these classes into the 12 standard occupational groupings reported in later periods, reference was made to the Standard Occupational Classification of the U. S. Bureau of the Census, and the sub-classes were assigned to the 12 groupings. This estimating procedure involves a margin of error which is probably greatest in the cases of "craftsmen, foremen and kindred" and "operatives and kindred workers." For example, mechanics could appear in either of these groups, depending on the type of work performed (on which no information is available). In this and similar instances, the numbers given in the Annual Reports were assigned to the group "craftsmen, foremen and kindred." The share of this group may therefore be overstated for the periods through 1929.--The Period 1930 - 1949 is omitted since no occupational data are reported for Mexican immigrants.

Source: Annual Reports of the Immigration and Naturalization Service and its predecessor agencies.

Farmers and farm laborers are an especially uncertain category. Mexican immigrants in this group are usually employed in agricultural work only part of the year and often hold other jobs if they can find them, and they may have other skills. Moreover, as explained in the note to Table 8, it was necessary to estimate the occupational distributions from 1910 to 1929 in order to make them comparable to those reported in later years. While the results are consistent over long periods, there is no way of assessing their accuracy.

The most important caveat, however, pertains to the comparison of characteristics of Mexican immigrants with those of all immigrants entering this country at the same time. It was stressed previously that Mexican immigration is a late chapter in the long story of people coming to the United States from many lands. In some ways this chapter re-enacts what happend in the late 19th and the early 20th Century during the period of mass movements from Europe, when immigrants included large numbers of poor people with little education and few skills. A glance at Table 8 reveals that the share of laborers and service workers (in household and other jobs) among Mexican immigrants in recent periods resembles quite closely the share of these occupations among all immigrants in 1910 - 1919. Without belaboring the point statistically, there is evidence that the earlier immigrants from European countries included a large percentage of persons in low-grade occupations; this was true even for British immigrants.[1]

In the early period of mass migration from Europe, large numbers of unskilled or semi-skilled persons could be easily absorbed in American labor markets because the economic development of this country required huge additional supplies of this type of labor. Likewise, the immigration of such persons from Mexico met the needs of the relatively late economic growth of the Southwest in the late 19th Century and the early part of the 20th Century. Relatively few European immigrants moved to the Southwest at that time. The trip was time consuming and costly, and employment opportunities closer to the ports of entry were plentiful. Thus, Mexican immigrants together with people of Asiatic origin filled a real gap. They helped build and maintain railroads, just as many Irishmen did in other areas and earlier periods. They manned the mines, just as

Polish and other immigrants did in Pennsylvania and other Eastern regions; and the old tradition of mining in Mexico made many of them eminently qualified for this employment. They supplied much of the labor force for the agricultural development of the Southwest.

However, no such neat harmony exists between the occupational distribution of recent or current Mexican immigrants and the labor demands of our profoundly changed economy. The highest rates and the longest periods of unemployment are consistently found among the unskilled. This is the crucial difference between the low-grade work force supplied in earlier eras of mass immigration and the preponderantly low-grade occupations among recent immigrants from Mexico. Quite apart from the question whether American society is still willing to accept the tired, the poor, and the huddled masses, to use the words inscribed on the Statue of Liberty, their economic absorption has become far more difficult -- and the prospect that unskilled immigrants will attain the higher levels of living to which they aspire seems more uncertain than it was a few generations ago.

Note to Chapter V.

1. Cf. Brinley Thomas, Migration and Economic Growth (Cambridge, England, 1954), pp. 141 - 144. According to figures derived by Thomas from the U. S. Census, 64 to 67 percent of the British-born occupied persons were manual workers or servants in 1870, 1890, and 1900. For Irish born, the figures varied between 74 and 78 percent.

VI. WHERE DID THE IMMIGRANTS GO?

The Mexican-American population is heavily concentrated in the Southwest as defined for the purpose of this study. Immigration statistics and Census data show some of the quantitative dimensions of this phenomenon and highlight the startling changes in the geographic distribution of this minority within the Southwest, i.e., Arizona, California, Colorado, New Mexico, and Texas.

The intended permanent residence which each immigrant is requested to name provides a clue to location intentions. This set of data, of course, may be of dubious reliability. Another clue is furnished by the Census information on the geographic distribution of U. S. citizens and residents who were born in Mexico or who are of Mexican or mixed parentage. This information is more accurate, even though Census enumerations are not free of error (and may involve somewhat greater than usual errors in responses to the question on nativity). In any event, it will be seen that the two sets of data are quite consistent.[1]

About 90 to 95 percent of the immigrants in the 1910 - 1929 period intended to reside in the Southwest (Chart C). This proportion was only slightly reduced in the 1955 - 1964 period. Within the Southwest, Texas was by far the greatest center of attraction in the earlier years, although at a somewhat diminishing rate. California was gaining in importance, but even in the last half of the twenties three Mexican immigrants intended to settle in Texas for every one who chose California. Arizona was still an important destination in the 1910 - 1924 period. In the decade 1910 - 1919, in fact, Arizona drew more immigrants than did California.

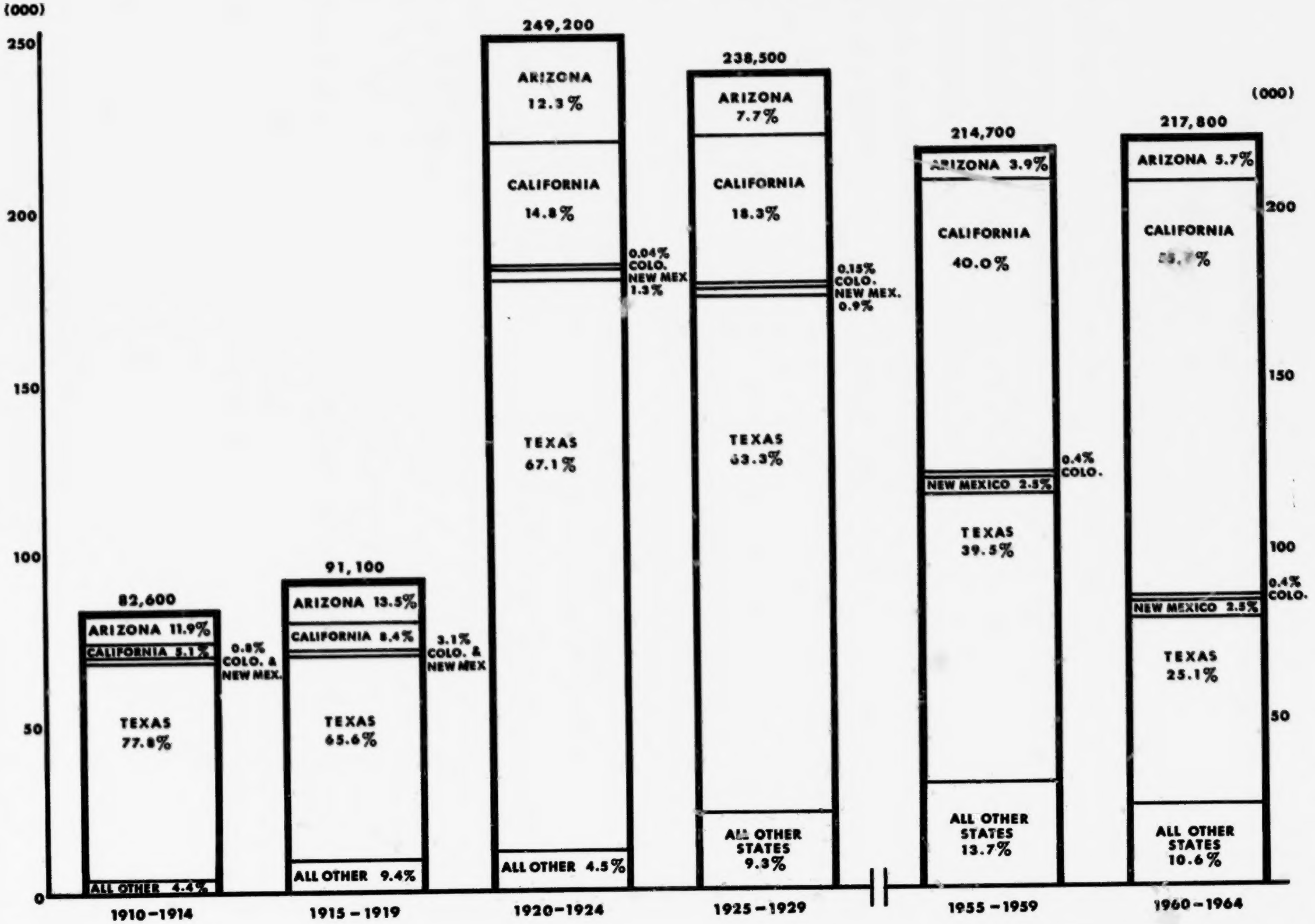
These relationships were radically changed in the post-World War II period for which data are reported. California has become the favorite destination, with nearly 56 percent of the 1960 - 1964 immigrants intending to settle there. Texas has lost much of its attraction, being now a poor second to the Golden State. Arizona has become wholly insignificant as a state of intended residence, and New Mexico and Colorado, during the periods covered, have never been of any consequence in this respect.

Turning to the distribution of citizens or residents of Mexican stock, the persistent pre-eminence of the Southwest is again confirmed (Table 9). In the five decades between 1910 and 1960, areas outside of the Southwest have become somewhat more attractive to immigrants and their children, but they still accounted for less than 13 percent of this segment of the Mexican-American minority at the latest Census date. In the case of first-generation immigrants, in fact, the percentage living

CHART C

Intended State of Residence of Mexican Immigrants,

Five-Year Periods, 1910-1929 and 1955-1964



Source: Table 23

outside the Southwest was higher in 1930 than at any later Census period. It seems that the large wave of immigration in the 1920's propelled a greater proportion of the newcomers beyond the Southwest than did the mass immigration after World War II.

Within the Southwest, California's magnetism is evidenced by the fact that more than 40 percent of the persons of Mexican stock in this country were recorded as residing in this state in 1960, as against 13.4 percent in 1910. In contrast, Texas accounted for less than 38 percent of the total in 1960 as compared to 61 percent in 1910. At the latest Census date, the 692,000 Mexican immigrants and their children in California and the 654,000 residing in Texas represented the vast majority of the foreign-stock segment of the Mexican-American population in the Southwest (1.5 million) or, for that matter, in the United States (1.7 million). Here again, Arizona and New Mexico have continuously lost in relative importance, and Colorado has never attracted any substantial numbers of Mexican immigrants or their children.

Throughout the 1910-1960 period, California's share of first-generation immigrants from Mexico was somewhat larger than its share of second-generation persons of Mexican origin, and the opposite was true for Texas. In view of possible area differences in age and sex distribution or fertility and because of internal migration, this somewhat astonishing finding does not lend itself to ready interpretation.

On the whole, the immigration statistics and the Census data suggest two important questions. Why have the Mexican immigrants and their children remained so heavily concentrated in the Southwest? And why has there been such a remarkable shift away from Texas and Arizona to California?

Pending the completion of other studies in this research project, only tentative observations can be offered here. Concerning the concentration in the southwest region, immigrants from many countries have tended to remain clustered in certain areas; Mexicans are not unique in this respect. Immigrants have always been attracted to places where they have relatives or can expect to find large numbers of their own ethnic group, can use their mother tongue without embarrassment, rely on landsmen for employment, housing, and help in orienting themselves to a strange environment, and have access to community organizations composed of like people. In the case at hand, a natural base was provided by the initial presence of colonial settlers from Mexico in the Southwest, acquaintance with the area through early informal border-crossings, and the first wave of immigration during the Mexican revolution. Under these conditions, the continued concentration

Table 9

Geographic Distribution of Persons of Mexican Stock: Percent of U. S. Population Born in Mexico, of Mexican Parentage, and of Mexican Stock, 1910-1960 a/

A. Born in Mexico

AREA	1910	1920	1930	1940	1950	1960
Arizona	13.4	12.6	7.6	6.6	5.5	6.2
California	15.2	18.1	31.2	35.6	36.0	43.2
Colorado	1.2	2.3	2.1	1.7	1.2	0.8
New Mexico	5.4	4.2	2.6	2.4	2.1	1.9
Texas	56.5	52.2	41.6	42.2	43.5	35.3
Southwest	91.7	89.3	85.1	88.4	88.4	87.4
Other	8.3	10.7	14.9	11.6	11.6	12.6
U. S. Total	100.0	100.0	100.0	100.0	100.0	100.0

B. Mexican or Mixed Parentage

Arizona	13.3	12.5	8.9	7.7	6.4	5.9
California	10.8	16.1	27.3	31.5	35.7	38.6
Colorado	0.5	1.5	2.2	2.1	1.7	1.3
New Mexico	6.2	5.7	3.6	3.0	2.4	2.1
Texas	67.0	59.2	49.7	46.5	42.4	39.3
Southwest	97.9	95.0	91.6	90.8	88.7	87.1
Other	2.1	5.0	8.4	9.2	11.3	12.9
U. S. Total	100.0	100.0	100.0	100.0	100.0	100.0

C. Mexican Stock (A and B)

Arizona	13.4	12.6	8.2	7.3	6.1	6.0
California	13.4	17.4	29.3	32.9	35.8	40.1
Colorado	0.9	2.0	2.1	2.0	1.5	1.2
New Mexico	5.7	4.7	3.1	2.8	2.3	2.0
Texas	61.0	54.6	45.5	45.0	42.8	37.9
Southwest	94.3	91.3	88.2	90.0	88.6	87.2
Other	5.7	8.7	11.8	10.0	11.4	12.8
U. S. Total	100.0	100.0	100.0	100.0	100.0	100.0

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a/ Over the decades the Bureau of the Census has reported only on the parentage of the *white* foreign stock, except for a few censuses in the early 1900's. In 1930 the Bureau of the Census changed its definition of Mexicans and classified them as nonwhite. As a consequence, the number of persons in the white foreign stock declined drastically. In 1940 the Census classified Mexicans again as white and issued revised 1930 figures on the foreign stock from Mexico as well as for the total white foreign stock. However, no corrected numbers were published for Arizona and New Mexico. In the above table, the 1930 figures for these two states are estimates based on the relationships in 1920 and 1940.

Source: U.S. Census of Population.

in this region can be viewed as a cumulative, self-reinforcing process. Also, the Southwest offers a climate and landscape compatible with the experience and preferences of many Mexican immigrants. Both psychic and physical proximity or resemblance may have tended to keep them in the area. And, in many cases, poverty coupled with uncertainty or ignorance of opportunities elsewhere may have been a roadblock to further costly moves.

Whether the persistent clustering of Mexican immigrants and their children has exerted a positive or negative influence on their acculturation and its diverse manifestations remains to be examined in other parts of the study. Further, a special study undertaken in the Chicago area together with a few existing surveys of Mexican-Americans in other places outside the Southwest should throw light on any discernible differences in personal characteristics and socio-economic position between Mexican-Americans in the Southwest and those elsewhere. Although no causal relationship is implied, greater dispersion of an ethnic or racial group throughout the United States has generally been associated with improved socio-economic status. Exceptions have been found to exist when an ethnic group has certain skills demanded in only one or a few geographic locations and/or has control over the power structure. Of course, dispersion may be the result rather than a cause of acculturation.

As for the shift away from Texas and Arizona, it is well to remember that by far the largest portion of the Mexican border runs along these two states. In the earlier periods, they were much more accessible by railroad than was California, in terms of distance and cost. The route to California was circuitous, and Baja California, the adjoining Mexican area, was so thinly populated that there was no nearby immigration potential of any consequence. Besides, it appears that Texas ranchers developed their appetite for Mexican workers when California's agribusiness could still draw on Chinese, Japanese, and other alien residents available at or near its home base. Finally, residence intentions of immigrants and even the firmer Census data on Mexican stock may overstate the importance of Texas especially in the earlier periods. San Antonio, Laredo, and El Paso were the most significant ports of entry, and these as well as other Texas cities may have harbored a floating immigrant population residing there for a while but moving on to other states.

The same may be true for Arizona -- Nogales, Tucson, and Phoenix are close to the border. Besides, the Arizona mining industry which used to attract Mexican immigrants has lost much of its previous eminence.

That California has become the great magnet for Mexican immigrants after World War II is not astonishing in view of the great internal movement which has drawn people from other parts of the nation to that state; and the reasons may be presumed to be the same in either case. In fact, the economic opportunities offered in California may explain why so few Mexican-Americans have left the Southwest. Internal migration within the region was an attractive substitute for moving away from the region.

Note to Chapter VI.

1. Additional data on the geographic distribution of Mexican aliens are available through the alien registration program in effect since 1940. Examination of the figures indicates that they are broadly consistent with those reported here. Consequently, it seemed pointless to add still another set of figures which are available for only part of the period covered by the data presented here.

VII. AN OVERVIEW OF TEMPORARY MIGRATIONS

Even our cursory observations on temporary migrations suggest an important hypothesis: the impact of these movements on labor markets, social institutions, and the Mexican-American population residing in this country at any given time may have matched or even exceeded the impact of permanent migrants that is usually considered in immigration studies. In addition to quantitative effects on the supply of workers and on wage levels, temporary (as well as illegal) migrants have influenced the labor markets in more subtle ways. Their availability may have perpetuated output choices and production methods of farm enterprises and determined the location of non-agricultural business firms. If their legal status was precarious, they were forced into the kind of docile behavior which many employers had come to expect from Mexican workers. They provided a highly mobile labor force which, among other things, could be used by employers to obstruct union organization.

Moreover, temporary and permanent migrations seem to be interrelated. Unknown numbers of braceros whose aspiration levels were influenced by observing levels of living in the United States may have felt a greater sense of privation when they went home, and the exposure led to their later return as permanent immigrants. It is also possible that stricter controls on one type of migration resulted in increased migration of another type--not unlike a soft ball which bulges on one side if it is squeezed on the other. Finally, the continuous appearance of temporary migrants has had important symbolic effects. The Mexican migrant worker has been the subject of numerous, widely publicized Congressional investigations and newspaper or magazine stories and has thus largely shaped the image of Mexican-Americans held by the public. For all these reasons, an attempt must be made to give a more systematic account of at least the recorded temporary movements across the border.

Such an attempt is severely limited by the quality of available data. Fairly reliable information exists on non-immigrant aliens admitted to the United States. This is such a motley group, however, that the data do not lend themselves to analysis. It includes mainly temporary visitors for business or pleasure, students, foreign government officials, and aliens in transit to other countries. In the case of Mexicans, it is equally important to note that it excludes, among others, border crossers and persons entering for temporary farm work under contract. Even so, the spectacular growth in the post-World War II period of this kind of movement from Mexico is worthy of note (Table 10). The volume increased by 142 percent between 1950 - 1954 and 1955 - 1959 and then nearly

Table 10

Mexicans Admitted as Non-Immigrants Compared With All Aliens Admitted as Non-Immigrants.

Five-Year Periods, 1910 - 1964[a]

Period[b]	Mexican[c]	Total	Mexican as % of Total
1910 - 1914[d]	19,050	901,099	2.11
1915 - 1919	55,133	440,061	12.53
1920 - 1924	78,008	810,352	9.63
1925 - 1929	55,633	951,590	5.85
1930 - 1933[e]	12,114	655,009	1.85
1945 - 1949	88,488	1,657,299	5.34
1950 - 1954	214,011	2,460,352	8.70
1955 - 1959	541,734	3,938,772	13.75
1960 - 1964	1,062,403	6,944,333	15.30

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a/ Data exclude border crossers, crewmen, Mexican agricultural laborers, insular travellers, and returning residents, students and others entering without documents.

b/ Fiscal years.

c/ By country of birth, except that 1947 data are by country of last permanent residence.

d/ The earliest data are reported for the 4-year period 1906 - 1909 when 9,956 Mexican non-immigrants were admitted of a total of 553,012 alien non-immigrants admitted, or 1.8 percent.

e/ No data on Mexicans are reported for 1934 and for several years in the 1935 - 1939 and 1940 - 1944 periods.

Source: Annual Reports of the U. S. Immigration and Naturalization Service and its predecessor agencies.

doubled again in the next half-decade. While permanent immigration in recent periods barely reached the level of the 1920's, non-immigrant admissions have by far outstripped that level. Even when possible inconsistencies in the classification of entries are taken into account, here is another manifestation of the intensity of movements across the Mexican border.

More pertinent are the temporary migrations of contract farm workers, for which relatively firm and consistent data have been reported since 1942 (Table 11). The vast majority of these migrant workers, of course, were the braceros. The regulated importation of Mexican laborers for temporary agricultural employment, initiated as a wartime emergency measure and cut back in the immediate postwar years, gained its real momentum in the 1950's and reached a high plateau of 433,000 to 445,000 persons annually in 1956 - 1959. This number was about seven times the war-time peak of 1944. Equally notable is the steady decline since 1959. In 1964, only 177,736 Mexican contract workers were admitted for temporary agricultural employment. This reduction in the use of Mexican contract workers had little public attention compared to the debate over the termination of the bracero program itself. Of course, the figures do not include wetbacks and other illegal entrants who crossed the border for temporary farm or nonfarm jobs. Their numbers can only be gleaned from the expulsions in "Operation Wetback" which were discussed in an earlier section.

Temporary agricultural laborers may work for shorter or longer periods of time or they may come in once a year or more often. Hence, the data on admissions are quite inadequate, and they have been converted to more meaningful figures on average annual worker employment (also presented in Table 11). The virtue of the converted figures is that they measure more clearly the quantitative impact* on labor markets in comparison to the impact of permanent immigration. In the 1950 - 1964 period, about 55 percent of the permanent immigrants from Mexico were housewives, children, or without reported occupation. Even when this proportion is generously reduced to 45 percent (to take account of working housewives and others not reporting occupation) and one assumes that 55 percent entered the labor market, the annual additions to the labor force through permanent immigration averaged only about 18,450 persons per year.[1] Annual additions to the labor force through workers admitted for temporary employment were multiples of this figure. Of course, their impact was concentrated in agriculture while the impact of permanent immigrants on labor markets was more widely diffused. In agriculture itself, the average annual employment of temporary migrants understates the numerical importance of Mexican contract workers relative to domestic farm laborers who rarely work all year.

Another kind of significant temporary migration is represented by the border crossers who commute more or less regularly to work on United States territory. This is a classic case of what the German literature aptly calls Pendelwanderungen -- pendulum migrations in literal translation but better known as "swallow migrations" (although the seasonal element implied in this term may not be very important in the case of Mexican commuters).

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* "Impact" is used here and elsewhere in this paper as a neutral term and does not necessarily imply an adverse effect on domestic employment or wage rates. The presence of adverse effects and their measurement are matters outside the scope of this paper.

Table 11

Number and Annual Average Employment of Mexican Contract Workers Admitted for Temporary Work in U. S. Agriculture 1942 - 1964 [a/]

Calendar Year	Number Admitted	Annual Average Employment b
1942	4,203	1,300
1943	52,098	15,600
1944	62,170	18,600
1945	49,454	14,800
1946	32,043	9,600
1947	19,632	5,900
1948	35,345	10,600
1949	107,000	32,100
1950	67,500	20,200
1951	192,000	57,600
1952	197,100	59,100
1953	201,380	70,700
1954	309,033	85,300
1955	398,650	112,800
1956	445,197	125,700
1957	436,049	132,200
1958	432,857	131,800
1959	437,643	135,900
1960	315,846	113,200
1961	291,420	95,700
1962	194,978	59,700
1963	186,865	45,900
1964	177,736	42,300

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a/ Numbers admitted as reported by the U. S. Department of Agriculture for 1942 - 1947 and by the Bureau of Employment Security, U. S. Department of Labor thereafter. The figures vary from those reported by the Immigration and Naturalization Service partly because the latter are for fiscal years. The data of the U. S. Department of Labor are used here because they have been converted by the Bureau of Employment Security to annual average employment for the period 1953 - 1964. Cf. House Committee on the Judiciary, Study of Population and Immigration Problems, Special Series No. 11 (1963), Appendix for Part II, Table 3; and the current reports "Farm Labor Developments" by the U. S. Department of Labor. For the years before 1953, the above data on annual average employment are estimates constructed as follows: The above source shows annual average employment of temporary Mexican workers in agriculture in the 1953 - 1962 period to equal 30.1 percent of the number of workers admitted. A ratio of 30 percent was applied to the years prior to 1953. This procedure assumes a constant relationship between admissions and duration of employment.

b/ Total man-months for the year divided by 12. The figures are rounded.

Here, the analyst enters an Alice-in-Wonderland kind of world where fantasy and reality, or claims and counterclaims, blend into obscurity. Only a few facts are beyond dispute. Commuters may be Mexican aliens or they may be U. S. citizens who prefer living south of the border. If they are aliens they are usually "green-card" holders (Form I-151), that is, they present at each crossing an alien registration card which evidences that they are legally admitted immigrants and consequently authorized to work (and live) in the United States. Characteristically, they are known in Mexico as "viseros." Some of the commuters are "blue-card" holders (Form I-186), which is an identification permitting aliens to cross the border for periods not to exceed 72 hours and to perform only temporary work.

The fanciful part of this issue begins with the legal construct under which green-card holders are considered regular immigrants without meeting the criterion of continuous residence in the United States. A court decision refers to it as an "amiable fiction." [2] The fictional content is increased by the apparent practice of large numbers of commuters to establish residence addresses in the U. S. border cities without living there. [3] In any event, the legal issue is by no means clear-cut and has been challenged in the courts; it is discussed in Appendix D.

Further, the volume of commuting to work is shrouded in mystery. The regular statistics of the Immigration and Naturalization Service cover all incoming border-crossers -- those who enter for shopping, pleasure, and business as well as for work. And each entry is counted separately without any recordation of repeated crossings by the same individual or of his purpose. [4] Table 12 shows a few benchmark data to illustrate again the growing intensity of movements across the border and to indicate that substantial numbers of U. S. citizens as well as aliens are involved. It seems that U. S. citizens who cross regularly include a fairly large percentage of naturalized Mexican-Americans who prefer residence on the other side of the international boundary.

Both citizens and aliens, of course, are drawn into international commuting to work by the attraction of earning U. S. wages, even though the wages may be depressed in terms of national or regional standards, and by the less costly living across the border, even though it may be inflated by the very presence of commuters. Here is a perfect example of capitalizing on different "terms of trade" -- trading U. S. -style earnings for Mexican-style living. Incidentally, commuting is only one manifestation of the fact that most of the U. S. and Mexican border cities form closely integrated economic units. This is true also for shopping and service facilities and other kinds of trade extending to banking transactions. [5]

Table 12

Entries of Border Crossers at the Mexican Border,
Selected Years [a/]
(Millions of Entries; rounded)

Fiscal Year	Aliens	U. S. Citizens
1930	15.0	12.0
1935	13.3	8.4
1940	15.5	7.5
1945	16.9	15.4
1950	24.7	24.0
1955	36.8	35.0
1960	59.2	39.3
1964	67.2	44.0

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a/ Each entry, including repeated entries of the same person, is counted separately. The figures exclude the first entry of immigrants and agricultural contract workers. The series begins in 1928.

Source: Annual Reports of the U. S. Immigration and Naturalization Service and its predecessor agencies.

The over-all data shown in Table 12 leave the question of how many border-crossers commute to work unanswered. Although this matter has been very much in the public eye and has repeatedly received Congressional attention, U. S. authorities have never produced any continuous, reliable data.[4] It is indeed astonishing to find that a highly statistics-minded nation has failed to develop measurements of important border transactions, which could be easily furnished through use of modern technological devices. So long as this condition persists, one is impelled to conjecture that obscurity is a functional state of affairs.

In the absence of firm data, various private groups have made widely varying estimates without revealing any basis therefor. The estimates (for unspecified recent periods) vary between 30,000 to 100,000 alien commuters to work.[6] The U. S. Department of Labor, in a presentation to a Congressional Committee in 1963, lamely referred to estimates ranging "from about 9,000 to 50,000."[7] While the legal position of U. S. citizen commuters differs from that of aliens, of course, their number would have to be added to obtain a full picture of the movements.

The most comprehensive and acceptable estimates of commuters for employment have come from a Mexican government source -- and the U. S. Department of Labor, in its previously mentioned Congressional presentation, was placed in the somewhat anomalous position of using this source to depict a condition of intense interest to a regional labor market in the United States.

This information comes from the reports of the Programa Nacional Fronteriza on Mexican border towns[5] and refers to 1960 (Table 13).

Table 13

Mexican Border Cities: Estimated Workers Commuting to the United States and Related Data, 1960

Municipality[a]	No. of Commuters	Total Labor Force[b]	Commuters as % of Labor Force	Commuters' Income as % of Wage Income[b]	Population Growth (%) 1940-1960[c]
Ensenada	n. a.	21,999	n. a.	n. a.	418
Tijuana	15,000	n. a.	n. a.	n. a.	654
Mexicali	11,000	90,376	12	21	534
Nogales	1,150	13,265	8	19	198
Piedras Negra	1,700	13,381	12	23	159
Ciudad Juarez	15,700	94,600	17	36	403
Nuevo Laredo	n. a.		n. a.	n. a.	205
Reynosa	n. a.		n. a.	n. a.	483
Matamoros	3,500	90,376	4	30	164

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a/ The nine municipalities listed here are those for which the Programa Nacional Fronterizo has published reports. The municipalities include rural areas as well as the cities proper.

b/ Labor force and wage income in the Mexican border city.

c/ The total Mexican population increased by 78 percent during this period, and the urban population by 160 percent.

Source: Programa Nacional Fronterizo, Mexico City.

The six of the nine Mexican border towns for which data are reported have furnished a total of 48,050 commuters working in the United States. The reports suggest that the figures refer to steady commuters and omit occasional border-crossers for work. When the three cities not covered and other, minor places for border-crossing are considered, one can safely estimate that a minimum of 60,000 persons crossed the border regularly in 1960 for employment. These include presumably both Mexican nationals and U. S. citizens. Here again, it is obvious that the labor-market component of commuters every year is far greater than the addition to the labor force through permanent immigration in any single year. When commuters and agricultural contract workers are taken together, our hypothesis that temporary movements in the past have been as important as the influx of permanent immigrants is amply confirmed. Approximate relationships in 1960 may be summarized as follows:

Labor force component of permanent immigrants	17,976[a]
Regular commuters	60,000
Annual average employment of agricultural contract workers	113,200[b]

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a/ 55 percent of 32,684 permanent immigrants. Although the number of permanent immigrants pertains to the fiscal year 1960 while the other figures refer to the calendar year, this cannot distort the relationships significantly.

b/ From Table 11.

Even if one considers the fact that a single year's addition to the labor force through permanent immigration is augmented by immigration the next year and the year after, etc., it is noteworthy that the number of 1960 commuters and temporary workers combined equalled about 10 years of labor-force increments through immigration at the 1960 rate.

In the case of commuters, of course, the labor-market effect is more localized -- how much localized is difficult to say in the absence of data on the commuting radius. Commuting is by no means limited to agricultural workers. Commuters hold menial jobs in hotels, restaurants, grocery stores, and as domestics;[8] and they seem to form a large part of the labor force in the substantial garment industries of El Paso and Brownsville. In fact, it seems highly dubious that these two cities would be logical locations for extensive garment work in the absence of the low-wage workers drawn from the other side of the border.

Table 13 shows that commuters in most cases account for a sizeable percentage of the total labor force in the Mexican border cities, and their share in the employed labor force is probably far greater. Still more impressive is the estimated share of commuters' wage and salary income in the total wage income of the Mexican border towns, ranging from 19 percent to 36 percent in the six reporting cities. As for the impact of commuters on the labor market of the corresponding U. S. border cities, the Department of Labor has estimated that they make up about 17 percent of the work force employed in El Paso (Ciudad Juarez), 23 percent in Brownsville (Matamoros), and 5 percent in San Diego (Tijuana).[7]

The other side of the coin is above-average unemployment among the domestic labor force of the U. S. border areas. There is at least a strong presumption that high unemployment rates and intensive commuting are inter-related. In a court case, 1960 figures drawn from a special report of the U. S. Department of Labor, and presented without challenge as to their substance, indicated unemployment rates for Texas border areas that were far in excess of those for Texas as a whole, as well as those for the United States.[8]

Among the profound changes associated with these intensive movements across the boundary is the extraordinary population growth of some of the Mexican border cities, also shown in Table 13. The cities have attracted large numbers of migrants from other Mexican areas as work opportunities across the border became increasingly known. But this seems to be only one of the causes of growth. Others are increased domestic manufacturing activity, tourist trade, and international commerce, and special development programs supported by the Mexican government. The attendant demand for workers, combined until recently with that of U. S. farm enterprises, has created a substantial labor reservoir which in turn augments the supply of commuters for work in the United States.

The commuter issue is highly complex. On the one hand, it can be argued that drastic curtailment of commuting would have serious repercussions on the economic base of some of the U. S. border cities. A number of manufacturing and service industries in these towns would probably be unable to maintain their competitive market position without the migratory labor supply. If they were forced to reduce or terminate output, this might have adverse indirect effects on the employment of domestic workers and the entire local economy. Moreover, commuters are important customers of retail stores on the U. S. side of the border. If commuting is blocked, the Mexican government may make it more difficult for Mexican nationals generally to cross the border for shopping -- and shopping by people living south of the boundary accounts in many cases for a significant percentage of retail sales. Thus, the local economy may on balance be stronger with than without the commuting system even if more tax money is spent to support unemployed domestic workers and their families.

On the other hand, welfare considerations argue for restricting the supply of commuters who are alleged to depress wages and working conditions. The opposition by organized labor is now reinforced by the anti-poverty program; restrictionists can make a persuasive argument that there is no point in spending public funds for alleviating poverty among citizens or resident aliens if the effort is undercut by allowing commuters to take jobs at substandard wages. If the employment of Mexican commuters is considered an indirect form of foreign aid, the opposition can question the equity of such an arrangement. In this instance, the burden of foreign aid falls mainly on domestic labor competing in local job markets, instead of being distributed over the whole nation.

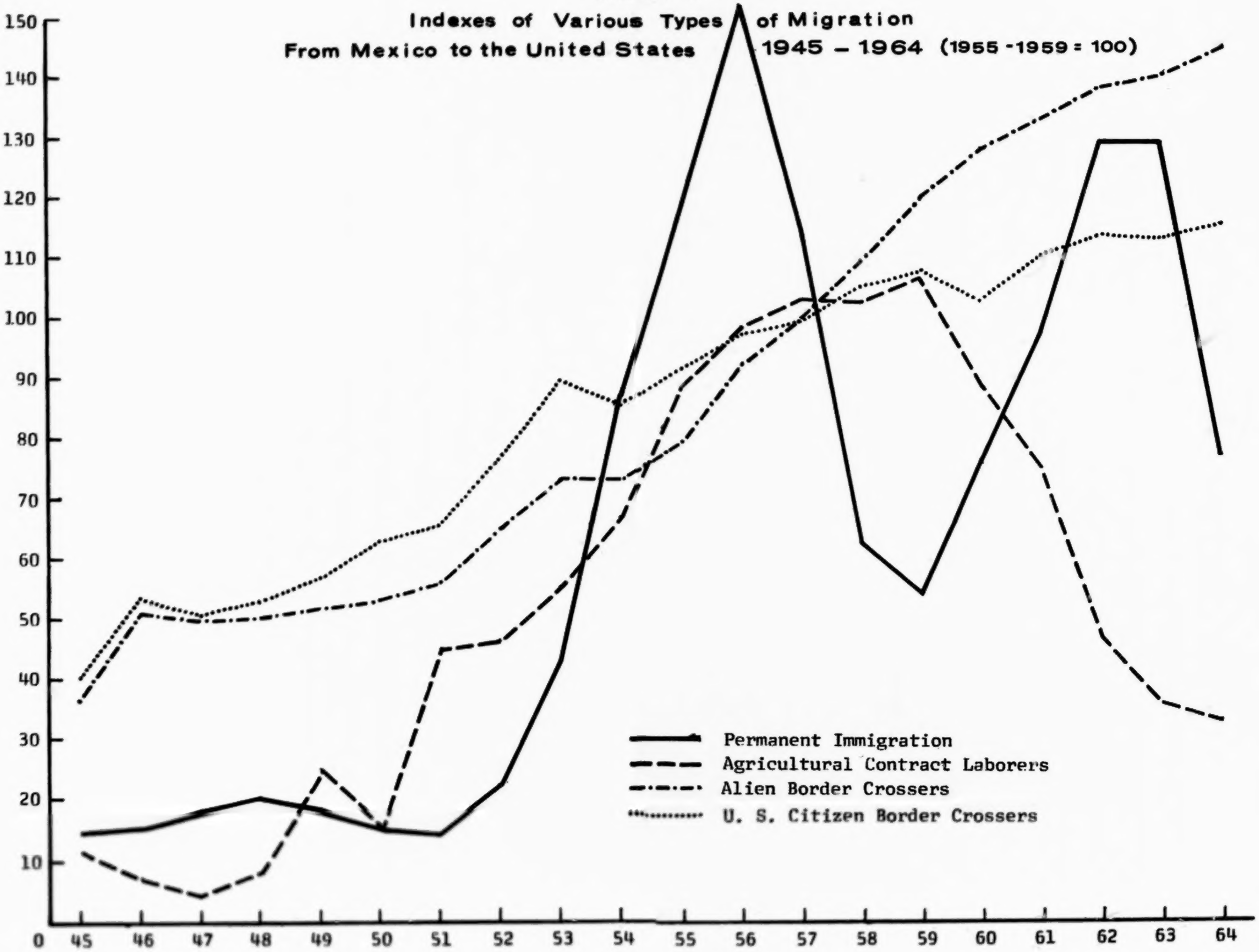
Finally, it is instructive to trace the fluctuations of the various kinds of migration on which records are available for the period after World War II. For this purpose, the incongruous original data have been converted to indexes (Chart D). Deferring cyclical analysis to a later point, what relationships between the different types of migration can be discovered?

Permanent immigration and the use of agricultural contract laborers moved up about simultaneously in the early 1950's, but the former expanded at a more rapid pace. The increase in permanent immigration was reversed in 1957 while the employment of temporary workers continued on a high plateau through 1959. The experience during this period does not bear out our previously stated "squeeze-bulge theory." The data for the subsequent years, however, are consistent with this theory. The drastic fall in the employment of agricultural contract labor was accompanied by a rapid increase of permanent immigration to a high plateau in 1962 and 1963, and, as was observed in Chapter IV, the reversal in 1964 was associated with an administrative restriction of major import.

Both series on border crossers show a strong upward trend -- more pronounced for alien crossers than for U. S. citizens whose movements levelled off after 1959. The trend was briefly interrupted in the 1953 - 1955 period. This episode occurred during the turmoil of "Operation Wetback," which may have deterred crossers and was accompanied by stricter border controls. The continued increase of crossings since 1959 contrasts sharply with the declining use of contract workers -- possibly another manifestation of the squeeze-bulge operation. However, the indexes refer to border crossers of all kinds, and their application to people who commute regularly for employment would rest on the assumption that the share of work commuters in the total crossings has at heast remained unchanged.

CHART D

Indexes of Various Types of Migration From Mexico to the United States 1945 – 1964 (1955-1959 = 100)



Source: Table 24

Notes to Chapter VII.

1. Average annual immigration on permanent visa was 33,560 during the 1950 - 1964 period.

2. This term is used by District Judge Luther Youngdahl in Amalgamated Meat Cutters v. Rogers, 186 F. Supp. 114, 119, quoting Gordon and Rosenfield, *Immigration Law and Procedure* (1959), p. 127.

3. Based on a statement by the District Director of the Immigration and Naturalization Service, El Paso, Texas, quoted in Texas State AFL-CIO, et al., v. Robert F. Kennedy, et al., Brief for Appellants, U. S. Court of Appeals for the District of Columbia Court, No. 17,976, p.5.

4. The Immigration and Naturalization Service reported data on alien and U. S. citizen commuters for employment in the fiscal years 1945 to 1951, for persons commuting at least 4 times a week. The annual numbers vary between 2,143 and 4,151 for aliens, and 3,093 and 6,283 for citizens. The series was discontinued. No information was provided on the method used for obtaining the data. Because the results appear highly dubious, it would be inopportune to use them for estimating the volume of commuting in subsequent years. The Immigration and Naturalization Service presented 1963 figures to a Congressional committee. These figures are based on counts taken on two days --May 8 and May 17, 1963. They show a little over 34,000 "commuters" for the following Southwest districts: El Paso, Los Angeles, Phoenix, Port Isabel, and San Antonio. There is no indication of how commuters were defined, and the survey seems to have been evoked by the Congressional inquiry. See House Committee on the Judiciary, *Study of Population and Immigration Problems*, Special Series No. 11, 1963, p. 181.

5. Cf. the reports of the Programa Nacional Fronterizo, Mexico City, on each of the border towns. The reports were issued in the early 1960's although they are not dated. Cf. also Thomas J. McClenaghan and Charles R. Gildersleve, *Land Use Contrasts in a Border Economy* (Bureau of Business and Public Research, University of Arizona, Special Study No. 23, June 1964).

6. In early 1965, the AFL-CIO estimated that "as many as 100,000 Mexican citizens fall into the commuter category" along the entire border. (Statement by the American Section of the Joint United States - Mexico Trade Union Committee attached to a news release of February 10, 1965 issued by the California Labor Federation, AFL-CIO. Simultaneously, a statement released after the National Conference on Poverty in the Southwest, held in Tucson on January 25-26, 1965, referred to 30,000 regular commuters. In the law suit of the Texas AFL-CIO against the U. S. Attorney General, referred to elsewhere, the complaint mentioned a range of 30,000 to more than 50,000.

7. House Committee on the Judiciary, *op. cit.*, p. 156.

8. Cf. citations from reports of a representative of the U. S. Department of Labor, including references to wages paid to commuters, in the Brief for Appellants, Texas State AFL-CIO et. al., v. Robert F. Kennedy et al, *op. cit.*

VIII. MIGRATION AS A SELECTIVE PROCESS

In this chapter and the next, an attempt is made to examine the Mexican case in light of two theoretical propositions. One of these asserts that migration is a selective process rather than a random phenomenon. The composition of migrants differs from a given stock of population in such factors as age, sex, and education and even in personality characteristics.[1] The other proposition concerns the economic forces associated with migration and will be discussed in Chapter IX. Both have been subjects of substantial scholarly investigation. By analyzing Mexican immigration in the framework of theory, it is hoped to illuminate further the population movement across the border and at the same time contribute in a small way to the validation or modification of theory.

It must be said at the outset that such an effort meets with enormous difficulties. To test the hypothesis that immigrants from Mexico distinguish themselves from the general Mexican population in relevant characteristics, one would need to know comparative data on age, sex, occupation, marital status, educational attainment, and family composition, as well as their geographic origin in Mexico. The available information falls far short of this goal. Moreover, it relates only to permanent immigrants. Yet, repeated temporary migration of various kinds has been a substitutable alternative open to many Mexicans who were attracted to the United States. Data on personality characteristics are completely lacking. Thus, no answers are possible to the question whether persons with greater drive, more energy, and higher aspiration levels were more likely to relocate north of the border than others. As a result, the following analysis presents findings heavily constricted by data problems.

Age and Sex

As for age, the comparison between immigrants and the Mexican population confirms numerous studies of other migrations; a disproportionate number of persons in productive ages have been drawn to the United States in all periods covered by the data (Table 14). This is indicated in the earlier periods even though the age groups are not strictly comparable, and the case is particularly convincing for the early 1950's and early 1960's. In the 1950 - 1954 period 46.7 percent of all immigrants were 20 to 39 years old while only 28.3 percent of the Mexican population in 1950 were in this age group. The corresponding figures for the 1960 - 1964 period are 49.8 percent and 27.0 percent, respectively. When one considers that the vast majority of temporary migrants are also likely to be in productive ages, the observed tendency becomes even more pronounced. Here again,

Table 14

Age Distribution of Mexican Immigrants Compared with the Age Distribution of the Mexican Population

	Mexican Population a/			Mexican Immigrants b/		
Periods	Under 16	16 to 45	46 and over	Under 14	14 - 44	45 and over
1900	41.1	45.4	13.3	12.8	80.3	6.9
1910	42.0	45.0	12.8	24.0	66.7	9.3
	Under 15	15 to 44	45 or more	Under 14	14 to 44	45 and over
1921	38.4	46.8	13.8	20.9	71.8	7.3
1930	39.2	46.4	14.3	16.0	76.9	7.1
			Mexican Population a/			
	Under 10	10 to 19	20 - 29	30 - 39	40 to 59	60 and over
1950	29.6	22.3	16.7	11.6	14.1	5.5
1960	31.8	22.6	15.6	11.4	12.8	5.5
			Mexican Immigrants b/			
	Under 10	10 to 19	20 - 29	30 - 39	40 to 59	60 and over
1950	18.4	16.8	30.5	16.2	11.7	1.8
1960	20.3	18.4	30.9	18.9	13.2	2.9

a/ Mexican Census. Percentages do not add up to 100 because of a relatively small number of reports "unknown."

b/ See Table 5. The figures relate to the five-year period following the Mexican Census; i.e., the age distribution of 1900-1904 immigrants is compared with that of the Mexican population in 1900. The only exception is in 1930 where the age distribution of 1925-1929 immigrants is compared with the age distribution of the Mexican population in 1930; no data are available for 1930-1934. Also, the age distribution of 1925-1929 immigrants is given for under 16; 16 to 44; and 45 and over. For the early years, the age distributions have been made as comparable as the data permit, and the comparison must therefore be qualified. Only for 1950 and 1960 are completely consistent age classifications available.

one finds some trace of the effects of the Mexican revolution in a somewhat larger proportion of very young and old immigrants, relative to the Mexican population, than obtained either before or after this era.

The data suggest an important modification of the volume of emigration to the United States relative to the Mexican population, which was shown in Table 2. It is clear that the emigration rate of persons in productive ages has been much greater than that of the general population, just short of double the latter rate. The laborious statistical process of establishing age-specific emigration rates seems unwarranted in light of the inconsistent age groupings for different periods, the quality of the data, and their limitation to permanent immigrants; nor is this necessary for the purpose at hand. One may estimate roughly the following emigration rates for persons in productive ages: about 250 for every 10,000 in the 1910 - 1920 period, about 500 in the next decade, and 175 in 1950 - 1960. These rates would be far greater if temporary migrations were included.

The selectivity of Mexican immigration in respect to sex requires little elaboration. The Mexican Census shows the usual population composition, with the common slight edge in favor of females. Table 6 revealed the standard case of males outnumbering females among permanent immigrants. Again, the inclusion of temporary migrants would greatly increase the majority of males.

Since disproportionate numbers of people in the most productive age groups and of males emigrated to the United States, one expects to find a high rate of young, male immigrants

Table 15

Sex Ratios of the Mexican Population in 1960
and of Mexican Immigrants 1950 - 1959, by
Age Groups

(Males per 100 Females)

Age Group	Mexican Population, 1960	Mexican Immigrants, 1950 - 1959
Under 10	103.5	102.4
10 - 19	101.4	81.7
20 - 29	91.2	119.6
30 - 39	98.2	171.8
40 - 49	98.1	130.0
50 - 59	100.2	93.5
60 and more	95.7	79.2
Total	99.5	115.7

Sources: Mexican Census of 1960, from Anuario Estadistico de los Estados Unidos Mexicanos 1962-1963, Table 29; and Annual Reports of the U. S. Immigration and Naturalization Service.

relative to young males in the Mexican population. This is indeed confirmed in Table 15. When sex ratios by age for immigrants in the 1950 - 1959 period are compared with those of the Mexican population in 1960, one detects a sharp contrast. The Mexican Census shows an unusually small number of males per 100 females in the 20 - 29 age bracket, and a similar though less pronounced deficiency of males in the 30 - 49 age class. The sex ratios for immigrants show just the reverse. Can this phenomenon be explained by migration to the United States? If so, Mexico would experience a "drain" of its most active manpower (leaving aside considerations of skill and domestic employment potentials).

A review of the underlying numbers suggests that permanent emigration accounts for only a small portion of the apparent deficiency of males in the productive age groups of the Mexican population.[2] Other factors must be responsible for the puzzling statistics in the Mexican population count, and one must leave it to the Mexican demographers who are concerned over the extraordinary sex ratios to solve the riddle.

Occupational Selectivity

Occupational selectivity can be traced by reference to Table 16 but only for recent periods; and the evidence is marred by differences between Mexican and U. S. standard occupational classifications. Nevertheless, it is instructive to observe that, at first sight, the occupational composition of Mexican immigrants seems to deviate substantially from that of the Mexican labor force. Agricultural immigrants are greatly under-represented relative to the still exceedingly large share of agricultural workers in the Mexican labor force. One may assume that Mexican farm workers who perceived and sought greater earning potentials in the United States could realize these potentials through temporary employment, as braceros or otherwise, and that many of them preferred this alternative to permanent relocation. The opposite holds for skilled and unskilled industrial workers. These are greatly over-represented among immigrants relative to their share in the Mexican labor force (craftsmen, foremen, operatives, and laborers except farm and mine). Unfortunately, the data do not permit any insight into the skill levels of this group among immigrants and in the Mexican labor force. The case is clearer for service workers, most of whom are presumably unskilled. Service workers are more heavily represented among immigrants than in the Mexican labor force.

The data for the above groups are broadly consistent in the two reported periods. This is not true for professional and technical personnel, etc., and for clerical and sales occupations. These

Table 16

Occupational Distribution of Mexican Immigrants Compared with Occupational Distribution of the Mexican Labor Force

Occupation Group	Immigrants 1950-1954[a]	Mexican Labor Force 1950[b]	Immigrants 1960-1964[a]	Mexican Labor Force 1960[b]
Professional, technical, and kindred[c]	5.2%	2.5%	3.0%	3.6%
Clerical, sales, and kindred[d]	8.1	7.8	4.9	9.0
Craftsmen, foremen, operatives and laborers except farm and mine[e]	53.3	18.8	50.4	18.9
Service workers incl. household[f]	18.4	7.2	17.3	7.0
Farm laborers and foremen[g]	10.0	58.1	22.9	53.5
All groups included	95.0[h]	94.4[h]	98.5[h]	92.0[h]

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a/ See Table 8. The above figures are percentages of the immigrants reporting occupation, omitting the category "all others," i.e., housewives, children, and others with no reported education.

b/ Mexican Census of 1950 and 1960. The labor force includes employed and unemployed persons.

c/ The corresponding category in the Mexican Census is "professionals, technicians, and managers except in agriculture."

d/ The corresponding category in the Mexican Census is "sales clerks and salesmen."

e/ This group combines three classifications in the U. S. Census data (see Table 8) to make the category as nearly comparable as possible to the Mexican Census class "Laborers, day laborers and craftsmen in industries producing goods and services." This class excludes laborers and craftsmen in extractive industries and the farm category.

f/ This group combines the U. S. categories "service workers except household" and "private household." The corresponding Mexican group is "services including personal and domestic."

g/ This group combines the U. S. classes "farmers and farm managers" and "farm laborers and foremen." The corresponding category in the Mexican Census is "agriculture, animal husbandry, fishing, hunting, etc., including managers.'"

h/ A few occupational groups are omitted because Mexican and U. S. classifications cannot be reconciled without an effort unwarranted for our purpose. Mexican: Managers except agriculture, animal husbandry etc.; office workers; and laborers, etc., in extractive industries. United States: Managers, officials, and proprietors.

two classes were over-represented among immigrants relative to the Mexican labor force in the 1950 period, and under-represented in the 1960 period. On the whole, the distribution of Mexican immigrants in the early 1960's seems to be more concentrated in the low-skill occupations than was true for the early 1950's. The recent growth of the Mexican economy has generated a rapidly rising demand and sharply increasing income potential for highly skilled personnel. As a result, persons in this group have probably been less prone to relocate in the United States than before. Of particular interest in this connection is the larger share of agricultural immigrants in the more recent period. In the early 1960's the use of braceros declined, and the increased number and percentage of farm laborers, etc. among permanent immigrants may confirm our theory that a squeeze on a given kind of migration from Mexico has tended to produce a bulge in another.

But these observations must be tempered by reference to the errors involved in international comparisons of occupations. More importantly, the data exclude the Mexican workers in temporary agricultural jobs in the United States. When the average annual employment of these workers is considered (Table 11) and combined with the agricultural component among permanent immigrants, all other occupational classes dwindle into insignificance. No information whatever is available on the occupations of the border crossers who commute to work.

Still another set of data may be drawn upon to complete the available evidence: a comparison of the occupational composition of employed Mexico-born persons in the United States with the Mexican labor force, in 1960. Again, Table 17 suggests a concentration of immigrants -- in this case first-generation immigrants residing in the United States for varying periods -- in low-grade occupations relative to the distribution of the Mexican labor force. Once more, the agricultural component is under-represented, and the class of non-agricultural workers of various skills is over-represented.

The evidence on the whole points to a preponderance of low-skilled people moving from Mexico to this country. This is true especially if the influx of temporary agricultural workers is considered together with permanent immigrants. However, the evidence is not wholly conclusive. The answer depends in part on the skill composition of the group "craftsmen, foremen, operatives, and laborers except farm and mine" -- and the data available for comparison are silent on this point. Also, as was mentioned in another context, immigrants classified as farm laborers may have skills that qualify them for other work.

Geographic Origin of Immigrants

When migration is viewed as a selective process, the geographic origin of Mexicans admitted to this country becomes a matter of considerable import. Have the migrants come mainly from

Table 17

Occupational Distribution of Mexican - Born Persons of Spanish Surname in the United States Compared with Occupational Distribution of the Mexican Labor Force, 1960[a/]

Occupational Group	Mexican - Born in U. S.	Mexican Labor Force
Professional, technical and kindred	2.5%	3.6%
Clerical, sales and kindred	5.6%	9.0%
Craftsmen, foremen, operatives and laborers except farm and mine	45.4%	18.9%
Service workers including household	9.5%	7.0%
Farm laborers and foremen	31.1%	53.5%
All groups included	93.1%	92.0%

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a/ The U. S. figures are from the 1960 Census and refer to employed white persons of Spanish surname born in Mexico. The Mexican data pertain to the total labor force. For notes on the Mexican source and reconciliation of occupational groupings, see Table 16.

rural or from urban areas, and has the rural-urban mix changed over time? Have they come from regions close to the border or from more remote parts of Mexico? One would expect immigrants from rural areas generally to be more traditional in their outlook and value systems, with the result that they find it more difficult to adjust to life in the United States. This would be true especially for those who move from rural Mexico to U. S. cities and must accommodate themselves to a strange urban environment as well as a strange country. In view of the fact that average educational attainment even to-day is substantially lower in the rural sectors of Mexico than in the cities and varies among different states,[4] the geographic origin of immigrants may throw light on some of their socio-cultural characteristics. Also, it may pinpoint the economic pressures that propel people to move.

Earlier writings on this subject assert that the majority of Mexican immigrants have come from the central plateau which comprises largely agricultural states. A secondary locus of migration is said to be the region bordering on Texas. More recent data on the geographic origin of braceros seem to confirm these statements, but only on the possibly unfounded assumption that braceros and permanent immigrants have largely come from the same areas. Much of the evidence is not only meager but out of date. Substantial internal migrations within Mexico and the progress of urbanization may have changed the geographic composition of immigrants.

An effort was made to obtain more reliable and recent information from both Mexican and United States sources. The results are summarized in Appendix C together with references to the literature. Unfortunately, this remains a "dark area." The data required for illumination do not exist. In the absence of hard facts, however, it will be useful to record impressions based on the author's study tour of Mexico and his explorations with Mexican demographers and other observers. It seems that the bulk of immigration has originated from two sources: (1) continued movement from rural areas, and (2) the movement of recent rural-city migrants within Mexico who have found it difficult to gain a foothold in the urban economy. Also, it seems that the Mesa Central is still an important source of immigrants. Although border areas appear to furnish a larger proportion than before, many newcomers making the move from these areas may be internal migrants from Mexico's interior who went north before immigrating to the United States.

These impressions conform to the realities of the Mexican economy. The agricultural sector, comprising even now nearly half the population, has long been and still is characterized by widespread, abject poverty and large-scale unemployment or underemployment. Farm surplus labor has moved to the cities, but many migrants without skills or adaptive capacities form an urban proletariat eking out a precarious living as street vendors, automobile watchers and washers, shoeshine boys, sellers of state lottery tickets (on small commissions), owners of tiny butcher, baker and other shops, and organ-grinders, not to speak of beggars.

Rural origin, however, does not necessarily give a full description of occupations and skill levels or of exposure to urban experience. Rural Mexico includes part-time or even full-time artisans as well as agricultural workers. Traditional handicraft in many cases has qualified rural people for other occupations. Moreover, much of the rural population lives in the small towns which dot the Mexican landscape, and this means a degree of quasi-urban orientation as well as an admixture of urban job experience. This observation may help explain the apparent contradiction between the over-representation of non-agricultural occupations among immigrants (relative to the Mexican labor force) and the persistent significance of the rural segment as a source of newcomers to this country.

* * *

In sum, immigrants have distinguished themselves from the over-all Mexican population by a larger share of males and young people, and this combination has resulted in high male-female ratios in the most productive age groups. However, the concentration of young men among immigrants alone cannot explain the sex ratios reported in the Mexican Census, which shows an unusually small, number of males per 100 females in the relevant age brackets. The occupational distribution of Mexican immigrants tends toward low-grade jobs in comparison to the Mexican labor force; and this tendency seems to have become more pronounced in recent periods when the demand and remuneration for high-skilled personnel in Mexico increased sharply. The highly inadequate information on the geographic origin of immigrants suggests that the rural population continues as a large source, augmented by people who have moved from agricultural areas to Mexican cities but could not be absorbed in productive jobs by Mexico's burgeoning urban economy.

Notes to Chapter VIII.

1. For the large literature on this propostion and its verification for both international and internal migrations, cf. among others Dorothy S. Thomas, *Research Memorandum on Migration Differentials* (Social Science Research Council, New York 1938); Selected Studies of Migration since World War II (Milbank Memorial Fund, New York, 1958); Albert H. Hobbs. *Differentials in Internal Migration* (dissertation at the University of Pennsylvania, 1942); E.W. Hofstee, Some Remarks on Selective Migration (The Hague, 1952); Brinley Thomas, op. cit. There is also a large number of journal articles dealing with the subject, but they deal largely with internal migration.

2. The Mexican Census of 1960 shows the following population numbers in the 20 - 29 age group:

Male	2,600,857
Female	2,851,107

Immigrants in this age bracket admitted to the U. S. in the 1950 - 1959 period totaled 50,684 males and 42,348 females. If these numbers are added to the Mexican population on the extreme assumption of no emigration to the United States (and ignoring differential death rates and other technicalities), the resulting 1960 sex ratio for the 20-29 age group would still be only 91.8 as against the 91.2 reported in the Mexican Census. A similar computation for the 30-39 age bracket would raise the sex ratio of the Mexican population in this group from the reported 98.2 to a little less than 99.0 -- If the Mexican Census should fail to enumerate accurately the migrant workers stationed temporarily in the United States, this omission plus permanent immigration might come closer to explaining the sex ratios reported in the most productive age groups. This would be true especially if illegal migrants were considered together with braceros.

3. For example, the year-round employment equivalent of temporary agricultural workers in 1960 was 113,200. If this number is added to the 2,020 farm laborers, foremen, and managers among permanent immigrants in the fiscal year 1960, 115,220 were in this occupational group. The number of immigrants in nonfarm occupations in the fiscal year 1960 was 13,266.

4. For example, the 1960 Census of Mexico designated 51.8 percent of the rural population as "analfabetas" as against 24.2 percent of the urban population. VIII Censo General de Poblacion, 1960, Resumen General, Table 19.

IX. SOCIO-ECONOMIC FORCES IN MEXICAN IMMIGRATION

In the historical account of Chapter IV, we have occasionally drawn on the time-honored "push and pull" concept to highlight forces associated with the immigration from Mexico at particular times. But this concept has been increasingly criticized as offering neither a comprehensive nor a sufficiently specific framework for analysis. Also, the volume of immigration was presented for decades and half-decades. This grouping may obscure the influence of business cycles on the movement of people across the border. It remains now to examine economic and related forces in a more rigorous fashion.

Again, such an effort is complicated by data limitations. The problem begins with the basic question of what it is that needs to be measured, classified, and "explained." In quantitative terms, what is wanted theoretically is a long statistical series representing a composite of permanet immigration and the year-round equivalent of temporary migrations, including those for agricultural employment and the movement of border crossers who commute regularly for work. Temporary migration in the case of Mexico has been persistent rather than sporadic. As was demonstrated in Chapter VII, some of its impacts have been as significant as those of permanent immigration; and there is a strong presumption that different kinds of migration have been substitutable alternatives. Alas, the desired composite of all major kinds of recorded movements is beyond reach, not to speak of the unrecorded migrations. Further, net immigration is more significant for the analysis of economic forces than gross, but the measurement of net movements is elusive in this case (Chapter IV). Nevertheless, the subject is too important to be left unexplored.

In the analysis of socio-economic factors which have propelled mass migrations from Mexico to this country (as well as in similar cases), it is useful to distinguish between the long run and the short term. As will be seen, this distinction circumvents most of the difficulties of the "push and pull" concept. It permits underlying causes to be separated from other conditions, such as improved and lower-cost transportation or the social mobility injected into Mexican society by the revolution; and it allows factors explaining the level of immigration to be conceptually separated from factors explaining fluctuations in its rate, as, for example, business cycles. [1]

The Secular Condition: Enormous Income Disparity

When the large and persistent differential in real per-capita income is considered the secular condition conducive to immigration from Mexico, it becomes irrelevant whether underemployment or unemployment or poverty in Mexico acts as a push, or actual and expected incremental income in the United States as a pull. Income disparities are so great in this case that one need not go very far in documentation -- and the data set severe limits on documentation. They lack the desirable historical depth, and even for recent periods one must accept estimates of per-capita product in U. S. dollars as a proxy for comparative measures of the levels of living. Although parity rates rather than currency exchange rates are used in converting national currency units into U. S. dollars, the estimates in Table 18 may overstate the differentials if they are used as proxies for disparities in real income.

Nevertheless, the case is sufficiently clear for the purpose at hand. Mexican per-capita product in the late 1950's and early 1960's was about 13 to 14 percent of the U. S. figure, and even a generous transformation into a measure of peoples' economic welfare could not raise this relationship significantly. Despite a most impressive rate of economic growth in the aggregate, the

Table 18

Estimates of Per-Capita Gross Domestic Product,[a/]
United States, Mexico and Canada
(In U. S. Dollars)[b/]

	Per-Capita Product			Percent of U. S. Product		
Country	1953	1958	1962	1953	1958	1962
United States	2,080	2,324	2,691	-	-	-
Mexico	228	321	361	11.0%	13.8%	13.4%
Canada	1,475	1,692	1,887	70.5	72.8	70.1

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a/ United Nations, Yearbook of National Accounts Statistics, Table 3B. The United Nations Secretariat explains that the estimates are designed to facilitate international comparisons of levels of economic activity. The gross domestic product is a measure of a country's total production of goods and services. "It should not, however, be used as a measure of national income since no allowance is made for (1) the consumption of capital in the production process, or (2) net factor income payments abroad." "The above figures do not measure the standard of living of the inhabitants."

b/ The conversion by the United Nations Secretariat of national currency units into U. S. dollars for the above table is made on the basis of "parity rates" rather than currency exchange rates. The procedure is explained as follows: "In general, parity rates for 1953, 1958 and 1962 were estimated by adjusting the official or free market exchange rates in 1938 for each country by the relative change in the level of prices from 1938 to the year in question, between the United States and the country concerned. The relative change in prices was measured by means of implicit price indexes of the gross domestic product where the data needed to compute these index numbers were available for the country concerned. The required data consisted of estimates, in current and constant national prices, of the gross domestic product or similar aggregate for 1938 and the year in question. Otherwise, recourse was had to implicit price indexes of value added in manufacturing, index numbers of consumer prices, or, as a last alternative, index numbers of producer prices."

accompanying high rate of population increase has inhibited Mexico's progress on a per-capita basis. The disparity between the Mexican and U.S. per-capita product seems to have been somewhat narrowed between 1953 and 1958, but it remains so great that changes over a few years hardly begin to make a dent. If estimates of this kind were available for earlier periods, they would unquestionably show still greater disparities.*

Of course, income distribution as well as total per-capita income has a bearing on the propensity to emigrate. Despite the Mexican government's social policies aimed directly or indirectly at more widely shared gains from economic progress, it seems that more equal income distribution has remained an elusive goal. Various studies show that the middle and upper classes have increased in number and relative to the lower classes. Nevertheless, an official Mexican document shows that the "clase popular," defined in terms of income, still represented 82.4 percent of the population in 1960 as against 83.9 percent in 1950 and 91.1 percent in 1900.[2] According to a United States analyst who used a more detailed classification, the "popular" group at the bottom of the ladder declined from 78.0 percent of the population in 1940 to 40.0 percent in 1960, the "transitional" group increased from 6.5 to 20.0 percent, the "marginal" middle-class from 6.5 to 16.5 percent, the "stable" middle-class from 6.1 to 17.0 percent, and the "upper" class from 2.9 to 6.5 percent.[3]

But a more pertinent matter is the change in the share of total income received by various classes. According to a Mexican authority, the 70 percent of all families who were in the lower class received 31 percent of the aggregate income in 1950, but the 65 percent of the families who were in the same class in 1957 received only one quarter of the total. The number of "well-to-do" and "wealthy" families increased from 12 percent to 16 percent of all families and their income share rose from 52 to 57 percent. The shares of the "middle-class" families remained about the same, both relative to all families and to total income.[4] Mexican economists have not challenged the tenor of these estimates, and the author of the analysis in the summer of 1965 expressed the opinion that there had been no discernible reversal of the trend in the intervening years.[5] The conclusions are backed up by considerable detail on decile distributions and Lorenz curves. In terms of income shares, then, the fruits of economic progress have come to be less rather than more evenly distributed.

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* According to U. N. index numbers of per-capita product at constant prices (1958 = 100), the Mexican index increased from 52 in 1939 to 106 in 1962, as against 63 and 111, respectively, for the United States, and 58 and 106, respectively for Canada. (United Nations, Statistical Yearbooks).

Extremely large and possibly growing income disparities can be observed between urban and rural areas, between the Federal District (which includes Mexico City) and the rest of the country, and among different regions.[6] In other words, great masses of the Mexican population live in dismal poverty obscured by the per-capita averages presented earlier, and they have furnished a migration potential of enormous size.

The Canadian figures included in Table 18 warrant attention because there are some significant parallels between the Mexican and Canadian cases: proximity to the United States along borders of extraordinary length, relative ease of access, no quota restrictions for persons born in either country, and a large variety of types of migration across the two boundaries. In the 1950 - 1964 period, nearly 430,000 people born in Canada came to the United States on permanet visa as against little over 511,000 people born in Mexico.[7] Before World War II, Canadian immigration by far exceeded permanent entries from Mexico. Yet, Canada's natural resources are much richer than those of Mexico, and the Canadian - U. S. disparity in per-capita product has been exceedingly small compared to the Mexican - U. S. disparity. This is evidenced only for recent years in Table 18, but a similar relationship has probably prevailed throughout this century. Further, the number of people in Mexico has been far greater than the Canadian population and thus furnished a larger migration potential.

In light of the propensity of Canadians to migrate permanently to this country, the question is not why so many Mexicans have come to the United States but rather why so few. One can only speculate about the reasons at this point. Cultural differences and the language barrier, neither of which apply to persons born in Canada except the French Canadians, may have acted as deterrents, and so has perhaps prevailing poverty among Mexicans. Given a higher average income, Canadians may have found it easier to incur the cost of moving and job exploration which is associated with immigration. Also, many of the very poor and less educated people in Mexico may not even have recognized emigration as a means of improving their lot; in other words, they may not have reached the threshold of perception required for such a decision. This was probably more true in the earlier periods than in recent years.

Of course, migrants are propelled to move by their individual appraisal of relative income opportunities, and by their levels of aspiration for themselves and their children, rather than by abstract disparities of average per-capita real income. The latter are merely quantified expressions of the immigrants' notion that they can do better elsewhere, with expectations of incremental welfare reckoned vaguely against the monetary and psychic cost of moving. The persistent pressure for immigration across the Mexican border would seem to indicate that expectations have largely been met in the aggregate, though not in all cases. The expectations themselves may have varied between permanent relocation and the mere desire to make enough money to return to Mexico and live there at a higher standard. Several Mexican community studies indicate that small towns (where this phenomenon can be observed more easily) contain large numbers of returned immigrants who have used their incremental U. S. earnings to improve their level of living within the context of their homeland's culture.[8]

As was shown in Table 2, immigration relative to Mexico's population was at a peak in the 1920's and has been far smaller in the period after World War II. The causes of this change cannot be determined with any assurance, but a number of factors suggest themselves. The income disparity between the United States and Mexico has probably been somewhat narrowed. Perhaps more important, economic progress in Mexico may have been sufficient to instill more confidence in larger numbers of people that future welfare gains for them and their children are possible without emigration. The huge regulated postwar migrations of temporary workers, by offering an alternative means of earning additional income, have possibly reduced the relative pressure for permanent relocation. Finally, the propensity of Mexican nationals to come to this country may have been lowered by the methods used in the mass repatriations of illegal entrants in 1953 - 1954, long waiting lists at consular offices, and the direct controls initiated in 1963 (see the last section) of Chapter IV).

A Comment on Other Factors

When income disparity is viewed as the major secular condition for mass migration, other conditions can be placed in better perspective. One of these is the Mexican revolution. Its principal importance does not lie in the fact that it produced the first "push" to emigrate, although it does rank with other catastrophic events, such as successive crop failures or persecutions, in inducing people to move. Nor does the significance of the revolution rest on the composition of Mexican immigrants in the 1910 - 1920 period. The numbers involved were not very large, and our previous efforts to trace characteristics of the immigrants of that turbulent era in comparison to those of later newcomers have shown but moderate differences in age, sex, and occupational distribution.

The main role of the Mexican revolution in our context is its effect on social as well as geographic mobility in Mexico. By liberating masses of people from peonage, the revolution made it possible for a dormant migration potential to become effective. If the income disparity is viewed as a *sufficient* secular condition to induce migration, the mobility injected into Mexican society by the revolution can be said to be the condition *necessary* for income differentials to be perceived and acted upon. This process has probably extended beyond the end of the revolutionary era itself. Improved communication, greater awareness of a new social organization, and progressive urbanization all helped to convert the migration potential into actual movement. Without this transformation of Mexican society, proximity could not have produced permanet relocation on any large scale.

Better, faster, and less costly transportation merely served to facilitate movement, as it did in the case of the historic mass immigration from Europe. The network of railway connections between Mexico's interior and the Southwest of the United States was essentially completed some considerable time before the revolution, without evoking any ascertainable large increase in the number of immigrants. The response to technological advance was contingent upon a fundamental change in Mexico's social structure. The labor demands and preferences of United States employers played a role, but they would have been far less effective if the Mexican revolution had not created a significant market supply of Mexican workers -- if, for example, the hacendados had continued to control large segments of the rural masses. Further, the recruitment of Mexican migrants by U. S. business was, of course, based on the fundamental condition of income disparity. The practices often used in the process paralleled those employed in luring large numbers of people from European countries to the United States at an earlier time. The difference, of course, is the profound change of American society between the epoch of mass movements from Europe and the later periods of immigration from Mexico. Recruitment and employment conditions which were taken for granted in 1880 or 1900 were closer to tolerance limits of the national conscience in recent years.

The Role of Business Cycles

A rich body of literature has been devoted to the relationship between changes in the volume of migration and business fluctuations. At the risk of oversimplification, one may say that the findings indicate a close association between immigration and economic cycles in the receiving country. The association between emigration and business fluctuations in the country of origin is less clear or strong (and it could in any event be demonstrated only if business cycles in the two countries concerned had sharply differing patterns of timing or amplitude). In addition, immigration has been found to be related to long economic cycles viewed basically as changes in the rate of growth. The empirical data backing such relationship cover for the most part aggregate immigration rather than movements from a single country, and this matter will not be pursued here.[9]

It is at this point that analysis of the Mexican case becomes most seriously constricted by the available data. When Swedish immigration to the United States is investigated, the problem of temporary migrations is of no consequence. In the case of Mexico, the omission of temporary migrations may be a serious matter. Second, the available annual data on permanent immigration do not easily lend themselves to cyclical analysis; monthly or quarterly data would be far superior. Third, a composite of net rather than gross migrations is wanted, especially in a case where substantial reverse movements have been involved -- and no measure of net migrations can be constructed for any period long enough to trace systematic relationships with economic cycles. Fourth, since the Southwest has been the main region attracting Mexican immigrants it is dubious whether broad national business-cycle indicators are wholly adequate for our purpose.

The findings suggested by Table 19 and Chart E, which should be read together, must be evaluated in light of these constraints. For reasons stated in the note to the table, the analysis there focuses on the 1920's and the period after World War II. The case of the Great Depression of the 1930's need not be elaborated. The association between a long period of economic distress and a very low level of Mexican immigration and, indeed, a substantial volume of net remigration is very clear.

Of the 17 business cycle phases shown in Table 19, we classify nine as indicating an apparent association between the direction of the cycle phase and the change in permanent immigration from Mexico; four are considered dubious cases; and no association is found in another four (see "Comments" in the table). Each of these categories, and both expansions and contractions, are represented in the 1920's and in the period after World War II. In the four instances of no association, however, two periods of recession (1945 and 1960 - 61) were extremely short -- possibly too short to evoke any response in immigration. Discounting these cases and adding that of the Great Depression, one arrives at the judgment that changes in the volume of Mexican immigration have indeed tended to be related to business cycles in the United States, though not without exception.

Table 19

Relationship of Changes in Permanent Immigration from Mexico to U. S. Business Cycles[a/]

Cycle Phase	Dates of Cycle Phase[b/]	Duration In Months	Change in Immigration[c/]	Comments[d/]
Expansion	3-19 to 1-20	10	Up in fiscal 1919 and 1920	Apparent association; A
Contraction	1-20 to 7-21	18	Down sharply in fiscal 1921 and 1922	Apparent association, with decline in immigration extending into next business expansion; A
Expansion	7-21 to 5-23	22	Up sharply in fiscal 1923 and 1924	Dubious because of late response and extension of rise in immigration into next cycle phase; D
Contraction	5-23 to 7-24	14	Down sharply in fiscal 1925	Dubious association or possibly a one-year lag; D
Expansion	7-24 to 10-26	27	Up in fiscal 1926 and 1927	Apparent lagged association; A
Contraction	10-26 to 11-27	13	Down in fiscal 1928	Apparent lag; A
Expansion	11-27 to 8-29	21	Continuously down	No association whatever; N
Contraction	2-45 to 10-45	8	No change	Very short recession and low level of immigration; no association in direction of change; N
Expansion	10-45 to 11-48	37	Moderately up in fiscal 1946 to fiscal 1948	Association between this long and vigorous expansion and immigration appears quite weak; D
Contraction	11-48 to 10-49	11	Down in fiscal 1949 and 1950	Apparent lag; A
Expansion	10-49 to 7-53	45	Strongly up in fiscal 1952 and 1953	Possible lag but a dubious case in light of continued immigration increase through fiscal 1956; D
Contraction	7-53 to 8-54	13	Continuously up	No association; N
Expansion	8-54 to 7-57	35	Continuously up through fiscal 1956 but sharp drop in fiscal 1957	Apparent association, but see text; A
Contraction	7-57 to 4-58	9	Down in fiscal 1958	Apparent association, but see text; A
Expansion	4-58 to 5-60	25	Up in fiscal 1960 and 1961	Apparent lag; A

Table 19 (Cont.)

Contraction	5-60 to 2-61	9	Up in fiscal 1961	Short recession with no association; N
Expansion	2-61 to ?	?	Up in fiscal 1962 and at high level in 1963, but down sharply in 1964	Apparent association except for fiscal 64 (See text); A

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a/ The table omits the years before World War I as well as the war period itself. It would be straining the immigration data available for the early years of this century to subject them to cyclical analysis. It may merely be noted that immigration increased steadily in the fiscal years 1908 through 1912 which encompassed two expansions and one contraction in the business cycle. This period includes in part the era of the Mexican revolution. The table omits also the Great Depression of the 1930's. The conceptual framework of the National Bureau of Economic Research in delineating cycles requires it to divide the period into a contraction (roughly 1929-1933), an expansion (roughly 1933-1937), another contraction (May 1937 to June 1938), and an expansion extending into the war period. For the purpose at hand, however, it is more appropriate to view the entire decade as a case of severe recession accompanied by a very low level of gross immigration from Mexico and, in fact, apparent net re-migration (Table 3). Finally, the table omits the World War II period in which Mexican immigration was subject to special circumstances (see Chapter IV). -- The annual data on immigration are from the Annual Reports of the U. S. Immigration and Naturalization Service and its predecessor agencies. The data on business cycles are those of the National Bureau of Economic Research, as reproduced in current issues of "Business Cycle Developments" (U. S. Department of Commerce, Bureau of the Census), Appendix A.

b/ Month and year.

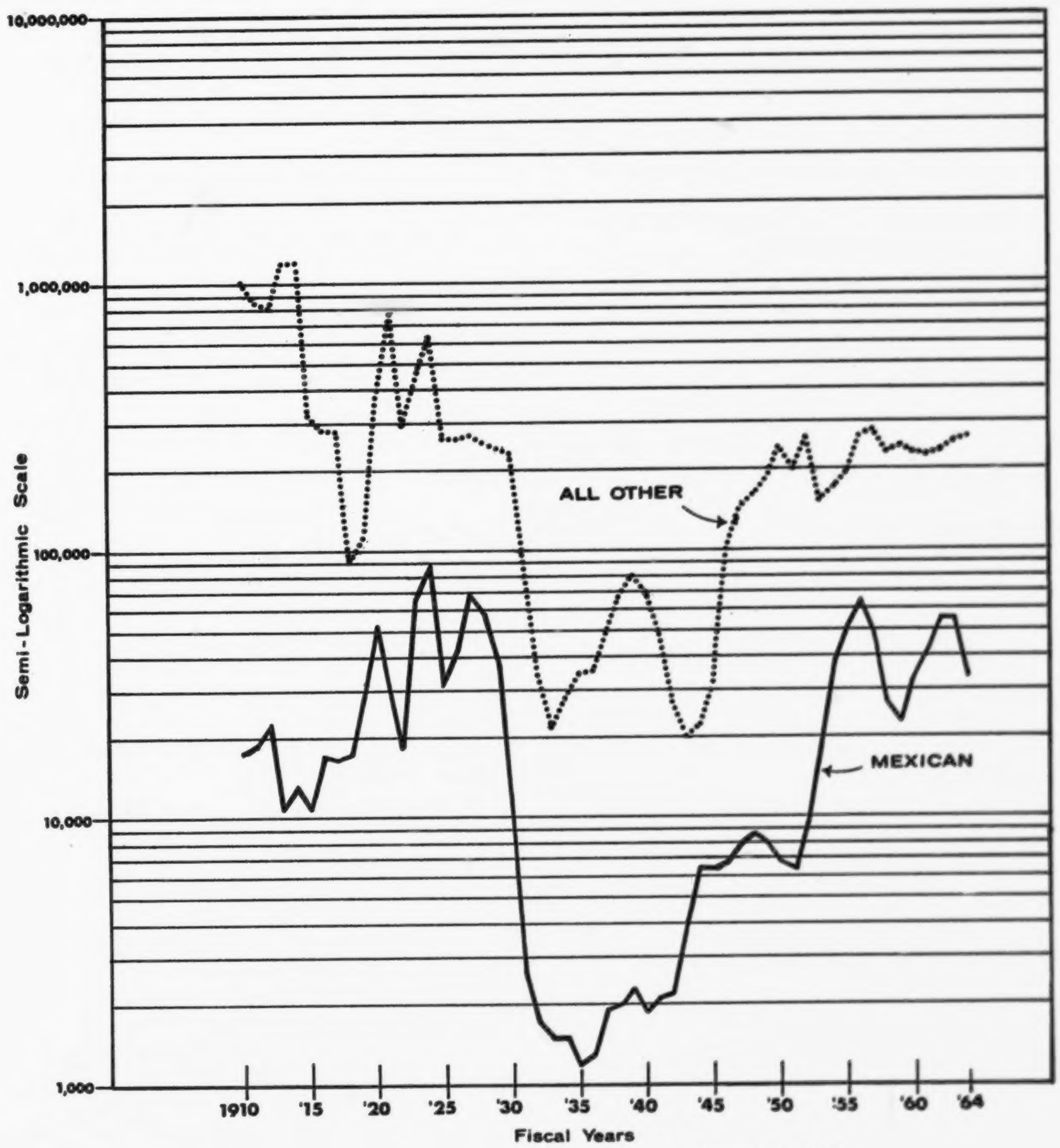
c/ The reader must keep in mind that fiscal years run from July 1 to June 30, i.e., the fiscal year 1919 begins July 1, 1918 and ends June 30, 1919.

d/ The letters A, D, and N represent subjective judgments of the association between business cycle movement and change in immigration, taking into account the difficulty posed by comparing fiscal-year data on immigration with the monthly delineations of cycle phases. A means apparent association with or without immigration lagging behind the cyclical change. D indicates a dubious case. N means no association.

CHART E

Number of Mexican Immigrants Compared with All Other Immigrants

1910 - 1964



Source: Table 25

In most cases of positive association, the classification allows for the changes in immigration to lag behind the turning points in economic cycles, and this is as it should be. In the first few months of a new cycle phase there is often unusual uncertainty about the direction of activity, and the turning points become clear only after the fact. Moreover, it takes time for improving or deteriorating job opportunities to be communicated to potential migrants south of the border, and for the individuals to act on such information. The fiscal-year data for immigration makes it difficult to determine typical lags, but lags of 6 to 12 months do not seem to be uncommon. In a few instances, a directional change in immigration consistent with a lagged response to a cycle phase has extended into the next phase Again, this is not an unusual lag phenomenon when one considers the lapse of time required for recognition of changed job conditions, the mechanics of visa applications, and actual entry.*

Some special comments are in order for the period 1954 - 1958 and the most recent years. In the former case, the sharp increase in immigration to a peak in 1956 is consistent with the expansionary phase of the business cycle. But the economic expansion continued to mid-1957 while immigration dropped substantially between the fiscal years 1956 and 1957. Here, the change in immigration seems to lead rather than lag the cyclical movement. One suspects that the rising permanent immigration between 1954 and 1956 included fairly large numbers of persons who were expelled in "Operation Wetback" and re-entered later on permanent visa (which they could do if they had not actually been deported). If so, this special wave of immigration may have run its course by 1956, and the later decline of entries may represent a return to more "normal" levels of immigration. As for the most recent period, the drop in immigration in the fiscal year 1964 cannot, of course, be explained by a business downturn. This drop was clearly associated with an administrative restriction (Chapter IV).

One must stress again that our findings refer only to one type of migration, and that they might be altered if a composite measure of all relevant kinds of migration were available. Clearly, the pronounced postwar swing in the employment of temporary agricultural workers -- a massive increase between 1947 and 1959 and a rapid decline thereafter -- shows no trace of business fluctuations (Chart D), and one must look to specific labor demand, controls, and technological changes as the major explanations. If one accepts the indexes of total border crossings as indicators of changes in the number of commuters to work, a strong growth trend is revealed (also Chart D). Nevertheless, one notes interrupted growth or decline in the fiscal year 1954, which was a recession period -- the same recession which did not evoke any drop in permanent immigration.

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* We have refrained from marking off U. S. business cycles on Chart E. The fiscal-year data on immigration do not match graphically the cyclical phases which are delineated by months. Also, they do not allow the introduction of systematic lag procedures. Finally, the customary method of simply marking off recessionary periods fails to convey any notion of the amplitude of downward or upward fluctuations.

These observations, as well as the previous analysis, serve to caution against affirming the relationship between economic cycles and Mexican immigration with excessive enthusiasm. We conclude that the relationship is positive in a sufficient number of business-cycle phases to suggest a systematic association with permanent immigration, and that other kinds of continuous migrations, especially those for temporary agricultural employment, have been subject to special, non-cyclical forces.

An effort has been made to check the national business cycles against indicators of changes in regional economic conditions. Because California and Texas have been the main destinations of Mexican immigrants, the effort was limited to these two states. The results of this investigation indicate that regional changes have more or less paralleled the national cycles, a conclusion suggested also by previous research on local or regional business fluctuations.[10]

In the light of these findings, Chart E makes it possible to see whether short-term fluctuations in permanent immigration from Mexico have been consistent with those in permanent immigration from all other countries combined. This is not the occasion for re-testing the proposition that total immigration is systematically associated with business cycles. The objective is rather to examine the degree of at least directional covariation between Mexican and all other immigration. Focusing again on the 1920's, the Great Depression, and the period after World War II, one finds a fairly high degree of consistency. Among the exceptions is the 1910 - 1912 period. This was largely a period of economic recession, and "all other" immigration declined in the fiscal years 1911 and 1912. In contrast, immigration from Mexico continued to grow in spite of a rather long and severe downturn in business activity. This observation lends credence to the treatment of the Mexican revolution as an expulsionary force. Another exception is the 1920 - 1921 business recession, which was associated with a decline in Mexican immigration but an increase in all other immigration in the fiscal year 1921 -- probably a reflection of the pent-up desire of Europeans to remove themselves from the after-effects of World War I regardless of conditions in the United States. The same counter-movements occurred in the 1948 - 1949 recession, and probably for the same reason plus the continued admission of "war brides." The short recession of 1960 - 1961, which was accompanied and followed by rising immigration from Mexico, was associated with small reductions in all other immigration in the fiscal years 1960 and 1961. Finally, the drastic decline in Mexican entries in 1964, during a period of continuous business expansion, contrasts with a substantial increase in entries from all other countries -- which lends support to the direct evidence that the change in Mexican immigration resulted from administrative restriction. In all other cases, short-term fluctuations are similar, though not necessarily of the same amplitude.[11]

Notes to Chapter IX.

1. Much of the criticism of the "push and pull" polarity is directed toward the inclusion in this concept of a heterogeneous array of factors associated with migration. Cf. William Peterson, *The Politics of Population* (New York, 1964), p. 275.
2. Cf. 50 *Años de Revolucion Mexicana en Cifras*, p. 154. This is a document prepared in 1963 by the Nacional Financiera for the office of the Mexican President.
3. Howard F. Cline, *Mexico: Revolution to Evolution 1940 - 60* (Oxford University Press, 1963), p. 124.
4. Ifigenia M. deNavarrete, *La Distribucion del Ingreso y el Desarrollo Economico de Mexico* (Instituto de Investigaciones Economicas, Universidad Nacional Autonoma de Mexico, Mexico D. F., 1960), especially Chapter IV, p. 89. Cf. also Adolph Sturmthal, "Economic Development, Income Distribution, and Capital Formation in Mexico," The Journal of Political Economy, June 1955.
5. Author's interviews with Lic. Ifigenia Navarrete and other economists, summer 1965.
6. Cf. Ifigenia M. de Navarrete, *op. cit.*
7. The comparison is limited to persons born in either country because the absence of quota restrictions applies only to such persons. Immigration from Canada has been substantially larger if people born elsewhere but entering this country from Canada as their last permanent residence are included. Canada has often been the first stopping place for European emigrants planning to proceed to the United States when the quota permitted.
8. For example, John Armstrong, A Mexican Community: *A Study of the Determinants of Migration* (Ph.D. thesis, Yale University, 1949). The community involved in this study is Chavinda in western Michoacan.
9. For some examples of the literature referred to in this paragraph, see Harry Jerome, Migration and Business Cycles (New York, 1926); Dorothy Swaine Thomas, *Social and Economic Aspects of Swedish Population Movements*, 1750 - 1933 (New York, 1941); and Brinley Thomas, *Migration and Economic Growth* (Cambridge, England, 1954). For the relationship between long economic swings and immigration, cf. Simon Kuznets, *Capital in the American Economy* (Princeton, 1961), Chapter 7.

10. For a summary and listing of this research work, see Walter Isard, *Methods of Regional Analysis: An Introduction to Regional Science* (Cambridge, U. S., and London, 1960), Chapter 6. There are, of course, differences in timing, duration, and amplitude of cycles, depending upon the industrial composition of localities or regions, but some of these differences are less pronounced in periods of severe fluctuations. --As for business cycles in California and Texas, the following statistical series were examined: nonagricultural employment, unemployment as a percent of the civilian labor force, per-capita personal income, and bank deposits. Only the latter show such a strong growth trend that few if any cyclical changes more or less coinciding with the national fluctuations except, of course, for the Great Depression. Since railway freight volume is still a sensitive indicator of business conditions, tons of Class I revenue freight were also investigated for the Central Western region, of which California is a major component, and the Southwestern region of which Texas is a major component. Here again, all of the postwar national cycles are reflected in addition to the Great Depression. For California alone, data on taxable retail sales show the same picture, although some of the recessions are visible in marked retardation of growth rather than actual decline. For Texas alone, the index of statewide business activity prepared by the Bureau of Business Research of the University of Texas conforms to the pattern with the same qualifications. The time span of the series used for the investigation begins in 1928 - 1929 in some cases and in 1950 in the cases with the shortest coverage.

11. No attempt is made here to relate short-term changes in the volume in immigration to business fluctuations in Mexico. The Mexican economic literature focuses on growth problems rather than business cycles, and independent research on the latter would be beyond the scope and resources of the present study. According to interviews with Mexican economists, one school of thought asserts that Mexican cycles are transmitted through cycles in the United States. If so, there would be no point in examining business cycles in Mexico as an independent variable. Another school of thought stresses the effects of changes in the Mexican government administration every six years, which has tended to cause a temporary reduction in public investment and usually of private investment as well -- because of uncertainty over the policies of a new President. The study of the relationship between short-term changes in the level of emigration and varying economic conditions in Mexico must be left to Mexican analysts.

X. THE OUTLOOK

The analysis in the previous chapter is a logical starting point for trying to assess the future. The basic condition for the mass movement across our southern land border was defined as an enormous and persistent disparity in per-capita real income, together with a highly and perhaps even increasingly uneven distribution of income in Mexico itself. One of the strategic questions bearing on the long-term outlook is the probability of change in this condition, the length of time required for such a fundamental change to occur, and the rate of change. A speedy and substantial narrowing of the spread between Mexican and U. S. per-capita incomes would presumably alter the expectations of potential migrants and reduce the propensity to move. Progress in Mexico, if more widely shared, would generate greater confidence that better levels of living could be obtained without painful relocation and would thus diminish the migration potential. The other major factor bearing on the outlook, of course, is U. S. immigration policy.

Appraising migration potentials and projecting U. S. immigration policy involes the analyst inescapably in matters of speculation. The following observations merely distill the author's judgment about the always uncertain future. They deal with probabilities rather than normative statements pertaining to either what our immigration policy should be or what course of action would maximize the economic development of Mexico in such fashion that less people would be induced to move.

The Migration Potential.

It seems that economic conditions in Mexico cannot change rapidly enough over the next generation to reduce the propensity to move to the United States in any significant measure. Mexico has for some time been one of the leading countries in terms of aggregate economic growth. Its national product in recent years increased at an average of about 6 percent annually in real terms (that is, after adjustment for price changes).[1] But much of this impressive gain has been cancelled by an extremely high rate of population growth -- about 3.5 percent annually in recent years.

It seems unlikely that economic growth can be accelerated greatly; even the attainment of an average annual rate of 7 or 7.5 percent would require not only heroic effort but possibly unpopular government measures to restrain consumption in favor of investment. On the other side of the equation, the high rate of population growth will probably continue in the forseeable future, perhaps slightly modified as the proportion of the population living in cities increases. For example, population projections of Mexican demographers for the period to 1980 are based on growth rates not substantially below the current one; and their calculations indicate a total ranging from 69 million to more than 73 million in 1980, as against a corrected 1960 Census count of 36 million.[2] At the extreme, then, the population would double within 20 years.

To date, family planning has not been supported or assisted overtly by the Mexican government. A change in the official position of the Catholic Church on this matter may ultimately affect the Mexicans' traditional pride in large families, but prevailing conservatism in the domestic church hierarchy, ignorance among the masses of the population, and a deeply rooted cultural pattern will probably militate against any speedy or drastic reduction in the birth rate.

To appraise the migration potential, one must again look beyond the statistical aggregates. The rural sector remains the Achilles heel of the Mexican economy, plagued by backward technology, underemployment, unrest among the landless peasants waiting for their share of holdings once or still owned by *hacendados*, and inefficiency in large segments of the *ejido* system -- the communal type of enterprise to which most of the expropriated land has been transferred. These agricultural problems do not lend themselves to easy or early solutions. As was pointed out in Chapter VIII, it seems that the rural areas, and particularly those in the central plateau, have continued to furnish large numbers of immigrants. This source of migration pressure, then, is most likely to persist. The termination of the bracero program may in fact add to the pressure. Dire predictions that such action would provoke a serious economic crisis in Mexico have turned out to be wrong. The program was gradually cut back in the years preceding its end, and the Mexican economy has grown in size and become more diversified. Nevertheless, the impact of the termination is being felt locally in rural areas and compounds the problems of Mexico's agricultural sector.[3]

Another major part of the migration potential seems to come from Mexican rural-urban migrants whose hopes for a better life in the cities fail to materialize. Again, this potential will probably continue for some time. Even at the remarkable 6-percent rate of economic growth achieved in recent years (which means a still higher rate of non-agricultural growth), Mexico's urban economy has been unable to absorb the stream of rural migrants in productive jobs. The reservoir of underemployed labor in agriculture is so large that this condition is unlikely to change within the next generation. If the agricultural dilemma calls for massive technological improvements, even more farm workers will be displaced and move to the cities where many of them are apt to remain on the fringe of the job markets. Since this is already a mobile segment of the population, movement across the border is in many cases merely an extension of internal migration.

To assess the immigration potential, one must also note the meaning of poverty in Mexico. This is a country where sleeping in a bed rather than on a mat is a considerable achievement for many people, especially in rural sections. Since Census statistics, usually considered "dry", reveal the subject matters of national concern it is pertinent to observe what kinds of poverty-related data are reported in the Mexican Census. The Census presents figures on the number of persons whose diet has become more varied by including bread, meat, fish, milk and eggs (instead of being limited to beans, corn, and other traditional staples). In 1960, close to 11 million people, or 30 percent of those reporting, did not eat bread, and more than 8 million or 23 percent of the total did not have a diet enriched by the other kinds of food. Most of them were in rural areas. The Mexican Census reported also that nearly 5 million people, or 14 percent, went barefoot, nearly 9 million wore sandals or huaraches, and 21 million had shoes. Among the rural population, 23 percent went barefoot and 39 percent wore merely sandals or huaraches.[4] This constitutes remarkable progress over previous conditions.[5] The diet has improved, and so has clothing and other consumption.

Nevertheless, large masses of the population do not earn enough to meet what they increasingly perceive to be minimum standards of living. True, the already visible progress has instilled hopes even among those who are not its beneficiaries that their turn will come in the future. It is also bound to raise their expectations. Moving to the United States will appear to remain a way out for sufficiently large numbers of Mexicans to keep the migration potential at a high level for some time to come.

Our Changing Immigration Policy

Turning to the other variable, it was already noted that the job certification procedure of 1963 the termination of the bracero program in 1964, and the 1965 amendments to the Immigration and Nationality Act indicate a new U. S. policy in favor of stricter controls (Chapter I and the last section of Chapter IV). This series of actions is indeed a remarkable commentary on the shifting power structure in this country. Until only a short time ago, agricultural and other business interests were able to secure and entice a substantial flow of temporary and permanent additions to their labor supply from Mexico. Now these interests have been subordinated to consideration of domestic employment, protection of wages and labor standards, and the consequences of unrestrained immigration for the success of the anti-poverty program. Under these circumstances, the actual volume of future Mexican immigration will unquestionably depend more on United States policy than on the Mexican migration potential. It remains now to examine the implications of our changing policy in more detail.

The legislative history of the 1965 Act (P.L. 89-236) provides a highly revealing guide to current and future public attitudes toward immigration. The Administration bill, intent on abolishing the 41-year old quota system based on national origin, left the position of Western Hemisphere immigrants who were never included in this system essentially unchanged. In House and Senate committee hearings, however, this emerged as one of the most contentious issues, and much of the floor debate was given over to the treatment of immigrants from New World countries. An amendment to establish a ceiling of 115,000 a year beginning in 1968 was first tentatively adopted and then narrowly defeated in the House (by 189 to 218 votes). The reversal occurred after representations by the Secretary of State, who called attention to the time-honored special relationship of the United States with our Latin-American neighbors. The bill reported by the Senate Committee on the Judiciary did include a ceiling of 120,000 a year for New World immigrants, to take effect in 1968, and the Senate adopted this version together with a provision establishing a Commission on Western Hemisphere Immigration. The Commission is to study the subject and make a final report to the Congress on or before January 15, 1968. Meanwhile, the ceiling is on the statutes, although it is in "limbo" pending the Commission's recommendations. In the final legislation, the Senate version won out over the House bill in the matters of interest here.

Among the main arguments of those who favored the imposition of a maximum was the sharp increase in total immigration from Central and South American countries in recent years, and especially from the Carribean area. They contended that it would be inconsistent to restrict immigration from quota countries to an annual total of 170,000, as provided in the Administration bill, and impose no over-all limit whatever on Western Hemisphere immigration. On the basis of population ratios, a ceiling of 120,000 for the latter will still favor newcomers from New World countries and thus conform to our traditional policy of special treatment for these countries. Without a maximum, it was argued, the population pressures associated with the extraordinarily high birth rates in practically all Western Hemisphere nations will produce a veritable flood of immigrants as economic progress fails to match or exceed population growth. Other arguments revolved around the difficulty of assimilating people coming from strange cultures and absorbing them in an economy in which skills are increasingly essential to employment -- and these points were often reminiscent of the arguments of the "restrictionists" on earlier occasions (see Appendix D).

The opposition to the ceiling relied mainly on the warning that such a sharp break with the open-door policy for Western Hemisphere immigrants would have grave consequences for our foreign relations. Besides, prospective immigration from the New World would still be only a trickle relative to the present and future size of the U. S. population and economy, in comparison to the impact of previous waves of immigration on a much smaller demographic and economic base.[6]

In the final outcome, the advocates of the abandonment of the national-origin quota system (including the Administration) could accomplish their objective only at the price of imposing an over-all ceiling on New World immigration. And this outcome occurred at a time of strong economic growth and in a Congress which passed an extraordinary volume of legislation proposed by the Administration and might have been expected to take a relatively charitable view of immigration. Since the new maximum on Western Hemisphere entries is conditional, final action will largely depend on the future composition of the Congress. The "straws in the wind" that one can glean from the history of the 1965 legislation indicate to this writer that some kind of ceiling is most likely to prevail.

What will be the consequences to Mexican immigration of the 120,000 ceiling now on the statute books? One can only speculate at this point. As shown in Table 20, the volume of immigration from Western Hemisphere countries exceeded this number in the past few years. However, the legislative maximum excludes immediate relatives who are in a preference category, and the Congressional debate made much of the fact that the effective maximum including relatives is closer to 145,000, which happens to be about the reported number of New World immigrants in the fiscal year 1964. The table indicates also the source of Congressional concern. Total immigration from the Western Hemisphere more than doubled between 1959 and 1963 and remained at a high level in 1964. Entries from countries other than Canada and Mexico have increased steadily since 1959, and their 1964 volume was more than 2-1/2 times as large as in that base year. Immigration from these countries in 1964 exceeded the combined movements from Canada and Mexico.

Table 20

Number of Immigrants from Western Hemisphere Countries, 1955 - 1964[a]

Fiscal year	Mexican	Canadian[b]	All Other	Total
1955	50,772	23,091	22,468	96,331
1956	65,047	29,533	31,683	126,263
1957	49,154	33,203	33,587	115,944
1958	26,712	30,055	35,060	91,827
1959	23,061	23,082	28,389	74,532
1960	32,684	30,990	34,449	98,123
1961	41,632	32,038	45,188	118,858
1962	55,291	30,377	53,150	138,818
1963	55,253	36,003	61,368	152,624
1964	32,967	38,074	73,034	144,075
Annual av., 1955 - 1964	43,257	30,645	41,838	115,740

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a/ By country or region of birth

b/ Incl. Newfoundland

Source: Annual Reports of the U. S. Immigration and Naturalization Service.

Effects of the ceiling on Mexican immigration will largely depend on how it is administered. The new statute provides no legislative standards whatever for allocating the over-all maximum among countries or individual applicants of like standing, and it might be even inconsistent with the legislative intent to introduce an overt administrative allocation by national origin. One solution is a first come - first served system for all Western Hemisphere nationals. When applicants from numerous countries are involved, such a system is apt to produce long waiting lists and put the coordination of consular offices to a severe test.

The 1965 Act includes one feature that is relatively favorable to Mexican immigrants. The job certification procedure, which in the past two years was applied systematically only to Mexicans, is now made mandatory for all Western Hemisphere immigrants (except close relatives), as well as most classes of other immigrants. In this respect, then, the position of an immigrant from Mexico is at least equalized with that of an applicant from, say, Chile.

Nevertheless, it appears that the over-all effect of the ceiling will be restrictive. It will probably block any sustained increase in Mexican immigration over the annual average of 40,000 in the past 10 years, and it may act to reduce the volume below this figure. If this is a reasonable projection, the Mexican-American community in the United States will face a marked change. Until recently, the group's acculturation was slowed, among other things, by large numbers of new arrivals. Should the volume of legal immigration be kept down without inducing mass movements of wetbacks, the position of Mexican-Americans would in this respect become more similar to that of earlier European immigrant groups, whose integration into American society was facilitated by more controlled entry.

Since the new ceiling will take effect only in 1968, its enactment may well have short-run as well as long-term consequences. One can reasonably assume that Mexicans (as well as others in the New World countries) will attempt to "beat the deadline" if they are apprehensive over their chances for admission after 1967. This may produce a "flood" of visa applications, kept in check by the required job certification in the case of immigrants who need employment to demonstrate that they will not become a public charge; but no such check exists for immediate relatives of U. S. citizens or alien residents. Also, the prospect of more controlled legal immigration may induce again an expansion in wetback traffic. There is already evidence that the number of wetbacks apprehended and returned to Mexico has increased as the termination of the bracero program and the job certification procedure acted to restrain legal temporary or permanent entry.[7]

* * *

In sum, the prospect is for continued strong pressure for emigration on the Mexican side and for a U. S. policy which attempts to stem the tide in the framework of restraints on Western Hemisphere immigration. Even if this policy is not specifically directed against movements from Mexico, it is likely to have the effect of precluding any long-term increase of immigration and even of curtailing its volume below recent levels.

Many writers have described the migration from Mexico to the United States as a "safety valve." It continues to be a safety valve for Mexico as that nation struggles to provide better opportunities for a population increasing at an exceedingly rapid rate -- and does not quite succeed. In a broader sense, the migration from Mexico is also a safety valve for the United States which has a real stake in the remarkable political stability of its friendly neighbor -- and does not quite know how to balance the growing internal pressures for constraints on immigration with the vital national interest involved in our relations to Mexico. The new Commission on Western Hemisphere Immigration can perform an important function by devising an equitable and durable solution to this problem.

Notes to Chapter X.

1. For U. S. literature on Mexico's economic growth, see Raymond Vernon, *op.cit.*; Howard F. Cline, *op. cit.*; for books by Mexican scholars, cf. Diego G. Lopez Rosado, *Problemas Economicos de Mexico* (Universidad Nacional Autonoma de Mexico, 1963); Victor Urquidi, *The Challenge of Development in Latin America* (New York, 1963). These works present also more detailed bibliographies and references. Some of the analyses are, of course, out-of-date in respect to facts. The author obtained more current unpublished materials and interviewed Mexican economists in the summer of 1965. He takes sole responsibility for the opinions expressed in the text.

2. Raul Benitez Zenteno and Gustavo Cabrera Acevedo, "La Poblacion Futura de Mexico" (mimeographed). The author is indebted to Lic. Zenteno for a copy of their work. The ranges given in the text are explained by varying assumptions in respect to birth and death rates, etc. For published materials, cf. Gilberto Loyo, *La Poblacion de Mexico: Actual y Tendencias, 1950 - 1980* (Mexico, D.F., 1960; no publisher given); Raul Benitez Zenteno, *Analisis Demografico de Mexico* (Universidad Nacional, Mexico, D.F., 1961).

3. During the author's study tour in the summer of 1965, U. S. announcements that relatively small numbers of temporary workers will be admitted for certain crops caused thousands of farm laborers to assemble at Mexican recruitment offices, and state governors in some instances had to take measures to cope with unrest while applicants were waiting for quota allotments and detailed procedures. Also, these announcements made front-page news in provincial newspapers. The President of Mexico, in his "Informe" of September 1, 1965 (which is the equivalent of a state of the union message), mentioned that the termination of the bracero program had an adverse effect on the Mexican economy.

4. Censo General de Poblacion, 1960, Resumen General, Table 1

5. For example, in 1940 only half the population wore shoes while nearly 27 percent went barefoot and 23 percent wore sandals or *huaraches.* Nathan L. Whetten, *Rural Mexico* (Chicago, 1948), p. 37.

6. This brief interpretation of the legislative history is based on the voluminous hearings before the House and Senate Committees on the Judiciary on H.R. 2580, 89th Congress, 1st Session, and on the floor debates. For the latter, cf. *Congressional Record*, September 20, 21, 22, 23, 24 and 25, 1965.

7. For example, the Chief Inspector of the Border Patrol covering the 48-county area north of Kern County in California reported that 3,320 illegal Mexican aliens were apprehended in the first seven months of 1965 as against 1,649 during the same 1964 period. Letter to the author from John R. Williams, Chief Patrol Inspector, U. S. Border Patrol, Livermore, California, dated November 2, 1965.

SUPPLEMENTAL TABLES

Table 21

U. S. Population of White Foreign Stock and its Components, Mexican Compared with Total, Census Dates 1910 - 1960[a]

Census Year	Foreign Born			Foreign or Mixed Parentage			Foreign Stock[b]		
	Mexican	Total	% Mexican	Mexican	Total	% Mexican	Mexican	Total	% Mexican
1910	219,802	13,345,545	1.6	162,200	18,897,837	0.9	382,002	32,243,382	1.2
1920	478,383	13,712,754	3.5	253,176	22,686,204	1.1	371,559	36,398,956	2.0
1930	639,017	13,983,405	4.6	583,422	25,902,383	2.3	1,222,439	39,885,788	3.1
1940	377,433	11,419,138	3.3	699,220	23,157,580	3.0	1,076,653	34,576,718	3.1
1950	450,562	10,161,168	4.4	891,980	23,589,485	3.8	1,342,542	33,750,650	4.0
1960	572,564	9,293,992	6.2	1,152,274	23,784,347	4.8	1,724,838	33,078,339	5.2

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a/ Concerning changes by the Census of the color classification of persons of Mexican stock in 1930, see footnote a/ to Table 9. Because of classification problems, no consistent data are available for 1900.

b/ Sum of foreign born and of foreign or mixed parentage.

Source: U. S. Census of Population.

Table 22

Occupational Distribution of Mexican Immigrants Compared with All Immigrants Five-Year Periods, 1910 - 1929 and 1950 - 1964[a]

Occupations		1910-1914	1915-1919	1920-1924	1925-1929	1950-1954	1955-1959	1960-1964
Professional, technical, and kindred								
	Mexican	2.5%	3.5%	2.2%	3.8%	2.3%	1.3%	1.3%
	Total	2.6	6.7	5.9	8.6	7.2	7.4	8.7
Farmers and farm managers								
	Mexican	0.6	1.4	0.8	0.7	2.9	1.0	0.5
	Total	1.1	2.4	2.7	3.4	4.2	1.3	0.8
Managers, officials, and proprietors								
	Mexican	1.3	2.1	1.2	1.0	2.3	1.0	0.6
	Total	1.3	2.5	1.9	1.2	2.6	1.9	2.0
Clerical, sales and kindred								
	Mexican	0.1	0.1	b/	b/	3.6	3.3	2.2
	Total	0.1	0.5	0.3	0.6	7.2	7.9	9.4
Craftsmen, foremen and kindred								
	Mexican	2.9	3.6	3.3	4.3	5.7	4.1	3.1
	Total	8.0	7.1	9.1	8.7	7.9	8.0	6.3
Operatives and kindred								
	Mexican	2.7	2.0	1.5	1.6	4.6	3.0	1.9
	Total	4.6	6.2	5.7	4.1	8.2	5.9	4.9
Private household								
	Mexican	1.8	2.7	1.5	2.5	6.8	8.4	6.6
	Total	11.7	9.8	10.4	9.8	3.7	3.8	3.2
Service workers except household								
	Mexican	0.2	0.2	0.1	0.3	1.4	1.6	1.0
	Total	0.3	0.4	0.4	0.4	2.4	2.9	3.3
Farm laborers and foremen								
	Mexican	1.1	0.7	0.7	4.3	1.5	3.2	9.5
	Total	24.3	7.0	4.0	6.6	1.7	1.7	2.3
Laborers except farm and mine								
	Mexican	38.3	27.8	47.0	45.8	13.5	23.0	17.3
	Total	19.8	20.8	20.9	16.9	3.2	6.4	5.1
All others c/	Mexican	48.5	55.9	41.7	35.7	55.4	50.1	56.1
	Total	26.2	36.6	38.7	39.7	51.7	52.8	54.0

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a/ Mexican immigrants in each occupational class as a percent of all Mexican immigrants, and total immigrants in each class as a percent of all immigrants.

b/ Less than 0.1 percent

c/ Housewives, children, and others with no reported or classified occupation.

Note to Table 22

Note:

For the early periods through 1929, the Annual Reports of the predecessor agency of the Immigration and Naturalization Service use detailed classes of occupations, such as physicians, bakers, printers, machinists, and so forth. To combine these classes into the 12 standard occupational groupings reported in later periods, reference was made to the Standard Occupational Classification of the U. S. Bureau of the Census, and the sub-classes were assigned to the 12 groupings. This estimating procedure involves a margin of error which is probably greatest in the cases of "craftsmen, foremen and kindred" and "operatives and kindred workers." For example, mechanics could appear in either of these groups, depending on the type of work performed (on which no information is available). In this and similar instances, the numbers given in the Annual Reports were assigned to the group "craftsmen, foremen and kindred." The share of this group may therefore be overstated for the periods through 1929. -- The period 1930 - 1949 is omitted since no occupational data are reported for Mexican immigrants.

Source: Annual Reports of the Immigration and Naturalization Service and its predecessor agencies.

Table 23

Intended State of Residence of Mexican Immigrants,[a/] Five-year Periods, 1910 - 1929 and 1955 - 1964 (Percentage Distribution)

States	1910-1914	1915-1919	1920-1924	1925-1929	1955-1959	1960-1964
Arizona	11.9	13.5	12.3	7.7	3.9	5.7
California	5.1	8.4	14.4	18.3	40.0	55.7
Colorado	0.2	0.4	0.4	0.5	0.4	0.4
New Mexico	0.6	2.7	1.3	0.9	2.5	2.5
Texas	77.8	65.6	67.1	63.3	39.5	25.1
Southwest	95.6	90.6	95.5	90.7	86.3	89.4
All other States	4.4	9.4	4.5	9.3	13.7	10.6

a/ By country of birth.

Source: Annual Reports of the Immigration and Naturalization Service and its predecessor agencies.

Table 24

Indexes of Various Types of Migration from Mexico to the United States, 1945 - 1964

(1955 - 1959 = 100)

Period	(A) Permanent Immigrants a/	(B) Alien Border Crossers a/	(C) U. S. Citizen Border Crossers a/	(D) Agr. Contract Laborers b/
1945	15.0	36.4	40.2	11.6
1946	15.8	50.9	53.4	7.5
1947	18.1	49.9	50.6	4.6
1948	20.3	50.3	52.6	8.3
1949	18.6	51.8	56.6	25.1
1950	15.9	53.1	62.9	15.8
1951	14.8	55.9	65.6	45.1
1952	22.4	65.1	76.5	46.3
1953	43.0	73.3	89.5	55.4
1954	87.2	73.3	85.9	66.8
1955	118.2	79.3	91.4	88.3
1956	151.5	92.0	97.1	98.4
1957	114.4	99.7	98.8	103.5
1958	62.2	109.3	105.1	103.2
1959	53.7	119.8	107.7	106.4
1960	76.1	127.6	102.7	88.7
1961	96.9	132.8	109.9	75.0
1962	128.7	138.0	113.7	46.8
1963	128.6	139.5	113.3	35.9
1964	76.8	144.7	115.0	33.1

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a/ Annual Reports of the U. S. Immigration and Naturalization Service. Border Crossers are of all types.

b/ Table 11, annual average employment. These data refer to calendar years while the others pertain to fiscal years.

Table 25

Number of Mexican Immigrants Compared with All Other Immigrants, 1910-1964

Fiscal Years	Mexican a/	All Other	Fiscal Years	Mexican a/	All Other
1910	17,760	1,023,810	1935	1,232	33,724
1911	18,784	859,803	1936	1,308	35,021
1912	22,001	816,171	1937	1,918	48,326
1913	10,954	1,186,938	1938	2,014	65,881
1914	13,089	1,205,391	1939	2,265	80,733
1915	10,993	315,707	1940	1,914	68,842
1916	17,198	281,628	1941	2,068	49,708
1917	16,438	278,965	1942	2,182	26,599
1918	17,602	93,016	1943	3,985	19,740
1919	28,844	112,288	1944	6,399	22,152
1920	51,042	378,959	1945	6,455	31,664
1921	29,603	775,625	1946	6,805	101,916
1922	18,246	291,310	1947	7,775	139,517
1923	62,709	460,210	1948	8,730	161,840
1924	87,648	619,248	1949	7,977	180,340
1925	32,378	261,935	1950	6,841	242,346
1926	42,638	261,850	1951	6,372	199,345
1927	66,766	268,409	1952	9,600	255,920
1928	57,765	249,490	1953	18,454	151,980
1929	38,980	240,698	1954	37,456	170,721
1930	11,915	229,785	1955	50,772	187,018
1931	2,627	94,512	1956	65,047	256,578
1932	1,674	33,902	1957	49,154	277,715
1933	1,514	21,554	1958	26,712	226,553
1934	1,470	28,000	1959	23,061	237,625
			1960	32,684	232,714
			1961	41,632	229,712
			1962	55,291	232,472
			1963	55,253	251,007
			1964	32,967	259,281

a/ By country of birth

Source Annual Reports of Immigration and Naturalization Service and its predecessor agencies.

APPENDIX A

Estimates of the Number of Mexican-Americans in the United States, by Nativity, 1960

Two sets of 1960 Census data can be used for estimating the Mexican-American population in the United States. One of these pertains to "white persons of Spanish surname" in the five states designated here as the Southwest: Arizona, California, Colorado, New Mexico, and Texas. In addition to totals for this group, the Census reports detail from which may be derived the number of persons comprising the foreign stock of Spanish surname, i.e., persons born abroad or of foreign or mixed parentage, by country of origin, and separately the number of persons of Mexican stock in this group. Further, the Census data make it possible to derive the number of persons who are of Mexican stock but have no Spanish surname or are classified as other than white. These are the elements that can be used for estimating the number of Mexican-Americans in the Southwest.

The other set of Census data pertains to persons of Mexican stock in the balance of the United States. These data will be used for estimating the number of Mexican-Americans outside the Southwest, including natives of native parentage as well as persons of foreign stock.

The Census reports that there were 3,464,999 white persons of Spanish surname (WPSS) in the Southwest. This figure excludes Mexican-Americans without Spanish surname and/or classified as nonwhite, and it includes Puerto Ricans, Cubans, and other Spanish-surname people who are not of Mexican descent. The estimation task for the Southwest is to include the former and exclude the latter. In addition, the ratio of foreign-stock population to natives of natives in the Southwest can be applied to an estimate of Mexican-Americans in the balance of the United States. The estimates are presented on the following pages.

Estimate for the Southwest

The estimating procedure is as follows:

(A)	Mexican stock without regard to surname or color (Census)	1,511,058
(B)	Mexican stock, WPSS (Census)	1,386,298
(C)	Mexican stock other than WPSS (A-B)	124,760
(D)	Foreign stock, WPSS (Census)	1,565,597
(E)	Percent of WPSS foreign stock that came from Mexico (B/D)	88.548%
(F)	Natives of natives, WPSS (Census)	1,899,402
(G)	WPSS natives of natives from Mexico (Ratio E applied to F)	1,681,882
(H)	Percent of Mexican stock that are WPSS (B as percent of A)	91.744%
(I)	Mexican stock without Spanish surname or nonwhite (G/H-G)	151,352
(J)	Estimated number of Mexican-Americans (B+C+G+I)	3,344,292

The resulting number is only 120,707 less than the 3,464,999 white persons of Spanish surname reported by the Census. The difference of less than 3.5 percent from the Census figure is the result of largely offsetting items. We have added persons of Mexican descent but without Spanish surname (C and I), and deducted from the WPSS those who are not of Mexican descent (F - G for natives of natives and D - B for the foreign stock).

At the same time, the resulting estimate is useful for a variety of purposes. First, if the underlying assumption is reasonable, the result indicates that the number of WPSS can be used in further Census analysis as a proxy for Mexican-Americans in the Southwest and its major subdivisions, without significant distortion. Second, the ratios shown by the Census for the population of foreign stock are of considerable substantive interest. Thus, only little over 11 percent of the persons of foreign stock among the WPSS group were of non-Mexican descent, and only 8.26 percent of the persons of Mexican stock did not have a Spanish surname (or were nonwhite). These percentages indicate general margins of error involved in using any original data sets classified by Spanish and other surname. Finally, the results show details on the composition of the Mexican-American population.

Estimate for the Balance of the United States

The underlying assumption here is that the relationship between the number of natives of natives and the number of persons of Mexican stock, which is reported by the Census for the Southwest, the Southwest estimate. Nothing is known about the differential characteristics of Mexican-Americans who have migrated to areas outside the Southwest (except for foreign stock), and differential birthrates alone could produce substantial variation in the numerical relationship between foreign stock and natives of natives. However, this is the only relationship available for the purpose of this estimate.

The estimating procedure is as follows:

(A)	Mexican stock in Southwest, without regard to surname or color (Census)	1,511,058
(B)	Estimated number of Mexican-Americans in Southwest (J in previous section)	3,344,292
(C)	A as a percent of B	45.183
(D)	Mexican stock in balance of U. S., without regard to surname or color (Census)	224,934
(E)	Estimated natives of natives in balance of U. S. (D/C - D)	272,895
(F)	Estimated number of Mexican-Americans in balance of U. S. (D + E)	497,829

National Summary

The results are summarized as follows in round numbers:

	Natives of Natives	Mexican stock	Total Mexican-Americans
Southwest	1,833,200[a]/	1,511,100[b]/	3,344,300
Balance of U. S.	272,900[c]/	224,900[d]/	497,800
Total	2,106,100	1,736,000	3,842,100

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a/ G + I in Estimate for the Southwest
b/ A in Estimate for the Southwest
c/ E in Estimate for Balance of U. S.
d/ D in Estimate for Balance of U. S.

APPENDIX B

The Job Certification Procedure, 1963

Because a news release of the Bureau of Employment Security in the U. S. Department of Labor is the only generally available record of the initiation of the job certification procedure for Mexican immigrants, it is reproduced below. The procedure is more fully explained in form ES-320, which is the form to be completed by employers making a job offer to prospective immigrants.

FOR RELEASE: A.M. Papers
Monday, July 1, 1963

LABOR DEPARTMENT ANNOUNCES NEW PROCEDURES FOR MEXICAN IMMIGRANTS

The Department of Labor today announced a new procedure for persons in Mexico wishing to immigrate into the United States on the assurance of jobs by American employers.

The new method was developed in cooperation with the Department of State, and affects only those persons in Mexico who apply for visas to enter the country permanently on the basis of an offer of employment in the United States.

The American consular officers in Mexico will now require that the employer's job offer be endorsed by the local office of the State Employment Service in his area. The new procedure does not alter the conditions under which visas may be issued but is intended to coordinate more effectively the steps leading to the issuance of immigrant visas.

The new procedure also gives the Department of Labor, through its Bureau of Employment Security and affiliated State Employment Service agencies, an opportunity to determine in each case whether domestic workers are available for the jobs and whether employment of the alien would adversely affect the wages and working condition of domestic workers. If so, the Department of State and Justice would be notified before the immigrants are granted visas.

Prescribed forms, and instructions for their completion, may be obtained from local offices of the various State Employment Service agencies throughout the United States.

APPENDIX C

Note on the Geographic Origin of Immigrants

The United States literature on this subject pertains for the most part to the period before World War II and, since there was only a trickle of immigrants during the 1930's, actually the period before the Great Depression. Among the main authors who have identified Mexico's central plateau as the principal source of immigrants are Gamio who, on the basis of money orders for remittances, estimated that over half the immigrants through the late 1920's came from Guanajuato, Michoacán, and Jalisco.[1] Broom and Shevky, among others, have pointed to the areas bordering on Texas as a secondary source. These authors stress that the immigrants included not only farm workers but laborers from villages and towns who had some familiarity with a technology more advanced than that of the peasantry of lowland agricultural areas.[2] In all these cases, however, the documentation is sparse.

Several U. S. scholars have studied the geographic origin of wetbacks or of braceros.[3] The Mexican literature refers almost exclusively to braceros.[4] Since the bracero program was government-regulated both in Mexico and the United States, data became available as by-products of the administrative process. Analysts on both sides of the border have sometimes given the impression that the data are applicable to permanent immigrants as well.

For the period 1955 to 1964 the U. S. Department of State has kindly furnished information on the number of immigrant visa issued in each consular district in Mexico. The data are summarized in Table 26. But their analytical potential is highly limited. The consular districts vary greatly in size and composition, and they do not conform to economic regions. In one case, the Ciudad Juarez consulate, the district coincides with a single state, Chihuahua. At the other extreme, Mexico City, the district comprises 12 states and part of still another state, as well as the Federal District. An attempt was made to correlate the distribution of immigrant visa issued with demographic and other characteristics of the consular districts, such as rural as a percent of total population and rate of population growth. This effort yielded no results, for the very reason that these districts in most cases cut across a large variety of areas. For example, the central plateau which supposedly has furnished the bulk of immigrants is usually defined to include the states of Chihuahua, Coahuila, Durango, Zacatecas, Guanajuato, Queretaro, Aguascalientes, and most of the states of San Luis Potosi, Jalisco, and Michoacán. These states are assigned to

Table 26

Immigrant Visa Issued to Mexicans, by U.S. Consular Districts, Totals for Fiscal Years 1955-1964, and Origin of Braceros, Totals for 1951-1962

Consular office[a]	Immigrant Visa b/			Origin of Braceros c/	
	Number of Visas	Percent of Total	Rank of Office	Percent of Total	Rank
Ciudad Juarez	75,919	17.7	3	10.7	4
Guadalajara	35,688	8.3	5	23.4	3
Merida	3,595	0.8	7	0.3	7
Mexico City	69,050	16.1	4	37.7	1
Monterrey	118,055	27.5	1	25.4	2
Nogales	24,328	5.7	6	2.0	5
Tijuana	102,878	23.9	2	0.8	6
Total	429,513	100.0	—	100.0	

a/ Jurisdictions for immigrant visa, with wholly insignificant exceptions, cover the following states: Ciudad Juarez: Chihuahua. Guadalajara: Aguas Calientes, Colima, Jalisco, Nayarit, Zacatecas. Merida: Campeche, Quintana Roo (territory), Yucatan. Mexico City: Chiapas, Distrito Federal, Guanajuato, Guerrero, Hidalgo, Michoacan, Morelos, Oaxaca, Puebla, Queretaro, Tabasco, Tlaxcala, Veracruz (southeast of Rio Tecolutla). Monterrey: Coahuila, Durango, Nuevo Leon, San Luis Potosi, Tamaulipas, Veracruz (northwest of Rio Tecolutla). Nogales: Sinaloa and Sonora (except for that part which is west of the Puerto Penasco-Sonoita Highway). Tijuana: Baja California, Sonora (west of the Puerto Penasco-Sonoita Highway), Sur de Baja California (territory).

b/ Numbers furnished by the U. S. Department of State.

c/ For the purpose of comparison, the state figures given in the source cited below were combined to conform to U. S. consular districts. The fact that the periods covered are not identical for the two sets of data does not invalidate broad comparison since the distributions in most instances do not change radically from one year to the next. See source for underlying numbers of braceros by state origin. Source: Gloria R. Vargas y Campos, El Problema del Bracero Mexicano (published thesis at the School of Economics, University of Mexico, 1964), Tables 7 and 7-a.

five different consular districts which in most cases include other states as well. Nor does proximity of the consular office to the border offer a sufficient explanation of the geographic distribution of immigrant visa issued. Tijuana and Ciudad Juarez, which are right at the border, rank second and third in the number of visa. But Nogales, similarly located, holds sixth rank; and Monterrey, about 120 miles from Laredo, ranks first. Besides, the locational jurisdiction for visa applicants cannot be equated with their place of birth. Francisco Rivas may apply at the Tijuana consular office because he has lived in Tijuana three years. But he may be one of the many who moved north because of better domestic employment opportunities there, or with an eye on future immigration. He was born and raised in Aguascalientes where he worked several years before going to Tijuana; and this is the relevant but unaccessible item of information.

The data on immigrant visa issued were used to check the assumption that the geographic origin of permanent immigrants and of braceros is more or less the same. The figures, also shown in Table 26, do not support this frequent supposition. However, the absence of correlation may possibly be explained by internal migrations preceding visa applications. So far as braceros are concerned, the paramount importance of the central plateau is confirmed. More than 77 percent have come from the states included in the previous definition of the area, according to the source given in Table 26.

As shown in Table 27, the district distribution of immigrant visa issued has changed greatly

Table 27

Immigrant Visa Issued to Mexicans, by U. S. Consular Districts,
1955 - 1964 a/
Percent of Annual Totals

Consular Office	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964
Ciudad Juarez	25.4	24.7	16.4	17.8	16.2	14.7	15.6	14.7	12.7	12.4
Guadalajara	5.0	7.2	7.3	9.6	7.8	8.3	12.2	10.8	9.4	5.9
Merida	0.1	0.2	0.7	1.3	1.4	1.0	1.0	0.8	1.0	2.1
Mexico City	6.6	11.2	14.6	20.8	19.0	20.3	18.3	19.8	17.4	22.5
Monterrey	49.0	42.6	35.7	14.4	16.1	21.5	18.0	17.8	16.1	20.4
Nogales	2.5	3.1	4.7	7.8	8.1	7.2	6.1	5.5	8.3	7.9
Tijuana	11.4	11.0	20.6	28.3	31.4	27.0	28.8	30.6	35.1	28.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

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a/ For jurisdictions of consular offices and source, see Table 26.

even in the 10 year period covered by the data. The trends in Tijuana and Nogales seem to indicate the growing relative importance of border areas, probably associated with the general northward migration, but the Juarez figures point the other way. The Monterrey district has lost in relative importance while the Mexico City office, covering an area farther removed from the border, has experienced a notable increase. It would require resources beyond our command to analyze these changes. The data are presented here mainly to encourage further research.

The impressions on the composition of immigrants, which are related in the text, were obtained in the author's interviews with Mexican demographers, economists, and others during a study tour in the summer of 1965. The statements on agricultural poverty and the urban proletariat reflect the author's observations and numerous studies of these subjects in Mexico.

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[1] Manuel Gamio, *op. cit.*, Chapter II and Appendix IX.

[2] Leonard Broom and Eshref Shevky, "Mexicans in the United States -- A Problem in Social Differentiation," *Sociology and Social Research*, January 1952, pp. 152-153.

[3] For example, Lyle Saunders and Olen Leonard, *op. cit.* Their findings for a small sample of wetbacks broadly confirm Gamio's statements.

[4] The most comprehensive Mexican source is quoted in Table 26. Cf. also Ernesto Lopez Malo, "El Problema de los Trabajadores Mexicanos," (Universidad de Mexico, VIII, 6, February 1954), which pertains to the 1942 - 1950 period and is based on official figures presumably for braceros; and Moises de la Pena, "El Pueblo y su Tierra Mito y Realidad de la Reforma Agraria en Mexico" (Cuadernos Americanos, Mexico, D.F., 1964), which provides data for temporary migrants from 1957 to 1961, as well as for 1942 to 1952.

APPENDIX D

The Position of Mexicans in the Immigration and Nationality Laws

by Ronald Wyse

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APPENDIX D

The Position of Mexicans in the Immigration and Nationality Laws

By Ronald Wyse*

The "Profile of an Immigrant's Case," in Chapter III, outlined the various steps which a prospective Mexican immigrant must take to be admitted on permanent visa under the general provisions of the law. Even this brief sketch has made it clear that immigration from Mexico is by no means unrestricted. Although quota limitations are inapplicable to Mexican nationals or, for that matter, nationals of any country in the Western Hemisphere, Mexican immigrants are subject to a wide range of "qualitative" restrictions which apply to all immigrants. Also, as the case study indicated, decisions on the admissibility of aliens allow for some administrative discretion, especially by U. S. consuls. For example, the laws require evidence that the applicant will not become a public charge, and one of the documents commonly requested is an affidavit of support. It is the consul's responsibility to determine whether an affidavit furnished by a poor cousin is as good as an affidavit provided by a rich uncle. The job certification introduced through administrative action in 1963 (and described in the last section of Chapter IV) depends on an administrative finding which allows a great deal of judgment. Opportunities for formal or informal appeal from administrative determinations or for judicial review vary a great deal, depending on the administrative unit or kind of decision involved. These and related subjects require elaboration.

The purpose of this Appendix is to present a more systematic analysis of the law and its administration as they affect Mexican immigrants; provide the necessary documentation; discuss briefly the legal authority for admission of the temporary migrants who have been so important in numbers and impact; and deal explicitly with problems in nationality law which were mentioned earlier in this report without elaboration--problems that have been of special significance to Mexican immigrants and involve the constitutional issue of "due process."

The position of Mexicans in the immigration and nationality laws can be understood only in the full context of the law, and this context has changed over time. Consequently, this part of the report begins with a summary of the evolution of the law and its administration. Among other things, the summary affords an opportunity to discuss attempts made at various times to change the law in respect to Mexican immigrants, and the public pressures favoring or opposing change.

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* Mr. Wyse, an attorney-at-law in Santa Barbara, California, prepared this material while he was a student at the School of Law, University of California, Los Angeles. The Appendix was prepared before the 1965 amendments to the Immigration and Nationality Act were signed into law. The significance of these amendments to Mexican immigration is discussed in Chapter X.

1. Development of U. S. Immigration Laws to 1924

With the exception of the two-year period covered by the Alien and Sedition Laws of 1798,[1] there were no federal statutes regulating immigration to the United States prior to 1875. The absence of federal control reflected national policy of an "open door" to immigration, and early attempts by the individual states to regulate immigration were struck down as unconstitutional infringement on an exclusive federal right.[2] The rationale behind this policy was embodied in two fundamental concepts. First, the United States historically had held out asylum and a place of refuge for the oppressed of Europe, and second, this country was considered a melting pot wherein any mixture of nationalities would be magically transformed within a few years into the American mold.[3] On a more practical level, the country was young and needed people; its industries were developed in an an age when the machine had not yet replaced human labor as the essential ingredient to progress.[4] The doctrinal concepts of asylum and the melting pot were important, however, since the embodied the idealistic goals of the times, and it was against such ideals that later changes were wrought.

In a series of statutes beginning in 1875 measures were taken to restrict immigration by means of qualitative controls.[5] The general law was codified and revised in 1891,[6] 1903,[7] 1907,[8] and 1917,[9] and with each revision the list of exludables grew. The 1917 act represents the apex of qualitative control; by its terms most classes of persons who were feeble minded, destitute, seriously ill or morally undesirable were barred from admittance. The basic provisions of this act are incorporated into our present immigration law although the harshness of its application has been softened.

The open door policy had already been modified in 1882. Three months before the passage of the first general immigration law this year, the Congress passed the Chinese Exclusion Act.[10] The Act, designed to bar the immigration of persons of Chinese ancestry, was the direct result of racial prejudice and antagonism to the coolie labor that had been imported to the West Coast.[11] Three years later, the Alien Contract Labor Law[12] was passed to protect the local labor market by prohibiting the admission of persons who had been brought to this country under a contract to perform services. In 1891[13] this law was broadened by excluding anyone who came to the United States in reliance on an advertisement promising employment on arrival. The first deportation law since the Alien Act of 1798 was passed in 1888 to enforce the provisions of this law.[14]

There are several reasons why immigration policy began to change in the 1880's and 1890's. By this time the industrial revolution was in full swing, and unskilled laborers were in less demand. At the same time, these were periods of recurring agrarian and financial distress with accompanying domestic unemployment. Further, the first twinge of racial bias began to make itself felt as the traditional immigration pattern changed in the 1890's. Previously, most immigration had been from Northwestern Europe, but the new wave of people arriving in the 1890's came increasingly from Southeastern Europe, and these immigrants brought with them distinctive cultural patterns which stood out from the "traditional" American way.[15] While the Chinese Exclusion Act was supported almost entirely on a theory of racial bias, 16 the Alien Contract Labor Law was directed mainly at employers who had used the contract device for increasing the labor supply in places where there was no labor shortage.[17] Even though the law was directed at the employer, public antagonism focused on the alien who displaced the domestic worker.

Thus, the American ideal of the open door developed over almost 100 years of practice during a period when such a policy was consistent with the economic conditions of the country. As conditions changed, American society became more receptive to efforts to protect domestic labor. At the same time, racial prejudice began to affect attitudes toward immigration. By the time the 1917 Act became law, a substantial portion of the populace held views regarding immigration that were contrary to the traditional policy. The Quota Law of 1921,[18] which limited immigration for the first time on a quantitative basis, marked the abandonment of that policy.

Several factors tended to crystalize the trend toward restriction which had been developing since the 1880's. There was a general feeling that all Europe was on the move at the end of World War I and that the United States would be inundated with a flood of refugees.[19] This feeling was strengthened by the reports of United States consuls and the fact that a great many of the refugees were coming from Southeastern Europe.[20] At the same time, the war had created intense nationalistic sentiment. "100% Americanism" was the order of the day, and the "red scare" of 1919 - 1920 served to accentuate the distrust of aliens.[21] The severe postwar recession of 1920 - 1921 gave organized labor a case for measures to restrain immigration. The restrictionists won the upper hand by arguing that the early immigrants from Northwestern Europe were a hardier, better group than the present immigrants from Southeastern Europe, and that changed economic conditions no longer required great numbers of immigrants; thus, the asylum concept was outmoded.[22] Along with these arguments, they offered a theory known as "alien indigestion." In substance, this meant that because of the great numbers of persons who had immigrated in previous years, the melting pot needed time to melt.[23]

The Quota Law of 1921 passed largely unopposed, the main exception being Jewish leaders of the Southeastern European nationality groups.[24] Business which had traditionally favored open immigration was silent in the face of the depression.[25] It should be noted, however, that the 1921 Act was intended as a temporary measure and that quantitative restriction did not become a permanent feature of our immigration laws until the passage of the Quota Act of 1924.[26] The elements which led to the passage of this law must be considered in some detail, for it is at this point that the argument for restricting immigration during periods of domestic unemployment was subordinated to a theory of restricting immigration on the basis of ethnic background.[27]

The fear of a flood of immigrants from war-torn Europe and the economic depression, which had been so important in the debates on the 1921 law, were not heard in 1924. The return of prosperity put industry back in its traditional role of favoring open immigration, but organized labor still advocated restrictions. The result was a stand-off between labor and industry, and the economic argument assumed a secondary role.[28] The 1921 theory of "alien indigestion" became "racial indigestion" in 1924, and the concept of racial purity gained ascendency. The essence of this position was an assumption of Nordic superiority, a believe that the early immigrants had created an almost pure Nordic race in the United States, and the conclusion that a continued influx of inferior non-Nordic persons as represented by the present immigrant groups would lead to a mongrelization of the American race.[29] The racist theory gained considerable support from persons in academic positions.[30] Its acceptance implied a patriotic duty to keep the race pure. This gave the restrictionists the grace of nationalistic fervor and put many patriotic societies in their camp.

Despite arguments that the racial theory was undemocratic,[31] and that it was contrary to the American principle of judging a man on his individual character and accomplishments[32] to exclude an immigrant on the basis of his national origin, the law passed by a substantial margin in both houses.[33] With the 1924 Act, the United States immigration laws assumed the permanent bifurcated posture which is still the basis of our immigration policy. The 1917 Act represented the theory of qualitative control, while the 1924 Act embodied the quantitative restriction.

Notes to Chapter I.

1. The Alien Act of 1798, a part of the Alien and Sedition Laws, allowed the President to expel any alien he thought dangerous. Act of June 25, 1798, 1 Stat. 570. This law expired in 1800.

2. Henderson v. Mayor of New York, 92 U. S. 259 (1875); The Passenger Cases, Smith v. Turner, 48 U. S. 283 (1849).

3. Divine, American Immigration Policy, 1924 - 1952 1 (1957).

4. *Id.* at 1 - 2.

5. Act of March 3, 1875, 18 Stat. 87; Act of August 3, 1882, 22 Stat. 214.

6. Act of March 3, 1891, 26 Stat. 1084.

7. Act of March 3, 1903, 32 Stat. 1213.

8. Act of February 20, 1907, 34 Stat. 898.

9. Act of February 5, 1917, 39 Stat. 874.

10. Act of May 6, 1882, 22 Stat. 58.

11. See Divine, *op. cit., supra* note 3, at 18 - 20; Coolidge, Chinese Immigration 21 - 81 (1909).

12. Act of February 26, 1885, 23 Stat. 332.

13. Act of March 3, 1891, 26 Stat. 1084.

14. Act of October 19, 1888, 25 Stat. 566.

15. Divine, *op. cit., supra* note 3, at 2 - 3 and Appendix A.

16. See authorities in note 11 *supra.*

17. Staff of Subcommittee No. 1, House Committee on the Judiciary, 88th Congress, 1st Session, Study of Population and Immigration Problems 185 (Committee Printing 1963). Hereafter cited as 1963 House Immigration Study.

18. Act of May 19, 1921, 42 Stat. 5. This Act limited over-all immigration to a total of 350,000 per year with the quotas allocated to each nationality group based on the number of foreign born in the United States in 1910. Gordon and Rosenfield, Immigration Law and Procedure Sec. 1.2c (1959). This text is the best single work on the immigration laws and is kept current by annual cumulative supplements. It will hereinafter be cited as Gordon and Rosenfield.

19. Roberts, "The Rising Irish Tide," *Saturday Evening Post, February*, 1920, p. 192; Roberts, "Plain Remarks on Immigration for Plain Americans," *Saturday Evening Post*, February 1921; p. 193; Roberts, "The Existence of an Emergency," *Saturday Evening Post*, April 1921, p. 193; Gordon and Rosenfield, Sec. 1.2c.

20. H.R. Rep. No. 1109, 66th Congress, 3rd Session, 9 - 11 (1920).

21. Divine, *op. cit., supra* note 3, at 8.

22. *Id.* at 8 - 10.

23. Higham, *Strangers in the Land; Patterns of American Nativism,* 1860 - 1925, pp. 235 - 50 (1955); Divine, op. cit., supra note 3 at 7.

24. Divine, *op. cit.*, *supra* note 3, at 8 - 9.

25. *Ibid.*

26. Act of May 26, 1924, 43 Statute 153. While the 1924 law based its quotas on the 1920 Census, the total number of aliens admitted annually was reduced from the 3,500,000 maximum of 1921 to about 150,000. Gordon and Rosenfield, Section 1.2c.

27. Divine, *op. cit.* *supra* note 3 at 10.

28. *Ibid.*

29. See Grant, *The Passing of the Great Race* 14 - 16, 77 - 81 (1916); Speranza, *Race or Nation* (1925).

30. Brigham, *A Study of American Intelligence* 155, 168, 208, 210 (1923) (a Princeton psychologist who concluded that Nordics were mentally superior), MacDougall, *Is America Safe for Democracy*? 123, 146, 173, (1921) (a Harvord psychologist who asserted that the Nordic temperament was well suited for world leadership.)

31. E.g., Hearings on Selective Immigration Legislation Before the Senate Committee on Immigration, 68th Congress, 1st Session 75 (1924).

32. Divine, *op. cit.*, *supra* note 3, at 18.

33. 323 to 71 in the House, 62 to 6 in the Senate. Congressional Record 6257, 6649 (1924).

II. The Issue of a Mexican Quota in the Late Twenties

It was at this point that immigration from Mexico became for the first time a matter of national debate. The qualitative restrictions which were developed earlier applied to all immigrants, and there is little evidence to indicate that any of these restrictions were aimed at curbing Mexican immigration. Despite the influx associated with the Mexican revolutionary period of 1910 - 1917, the number of newcomers was relatively insignificant, and opposition to open immigration developed as a reaction to the great numbers of persons who came from Southeastern Europe. Mexican immigration was subject to, but not the cause of, the qualitative controls epitomized by the 1917 Act. In 1921 and 1924, however, the Mexican immigrant was accorded a special position in our immigration laws; nationals of countries in the Western Hemisphere were exempt from the quantitative restrictions of the quota acts of these years. [1]

This exemption was no oversight. The issue was debated on the floor of both houses, and an amendment to include nationals of the Western Hemisphere in the quota system was soundly defeated. [2] There were several reasons why the Western Hemisphere was granted his preferential status. On the practical side, even though non-quota status was granted to all independent countries of the Western Hemisphere,[3] only Mexico and Canada supplied significant numbers of immigrants at that time, [4] and they accounted for a relatively small percentage of all immigrants. Since the prime objective of the restrictionists was to curtail European immigration, the moderates were able to persuade Congress that the ideal of Pan-Americanism [5] required favorable treatment for our neighbors, and that our traditional foreign policy demanded it.

However, the issue was reopened in the years 1926 - 1930 when public debate focused for the first time directly on immigration from Mexico. In the 1920's immigration from Mexico increased sharply both in number and relative to total immigration (see Chapter III). In addition, reports on massive illegal immigration contributed to a general fear of a "flood of peons" from Mexico. [6] The restrictionists soon began clamoring for closing "the back door" and for a uniform immigration policy which would remove the non-quota status of the Western Hemisphere countries. [7] Their argument was composed of three main themes. First, cheap Mexican labor displaced American workers and kept wages low. [8] In fact, the low wages were said to explain the labor shortage in the Southwest. If industry would pay more, the unemployed elsewhere in the United States would move to the Southwest, and there would be no need for Mexican laborers. [9] Second, the benefit derived from a cheap labor force was a short-term gain. In the long run the presence of

Mexicans would increase the cost of crime prevention and overload the charitable, medical and educational facilities of the Southwest.[10] This argument seemed to assume that all Mexicans were "undesirable" and was related to the third argument that the Mexican was ethnically inferior.[11] This was the racist theory advocated in 1924, except that it was now directed specifically at the Mexican. The view held by the restrictionists is vividly illustrated by the statement of Representative John Box of Texas who sponsored a bill in 1926 to include the Western Hemisphere countries under the Quota Laws: Mexican immigrants were "illiterate, unclean, peonized masses" who stemmed from "a mixture of Mediterranean-blooded Spanish peasants with low grade Indians who did not fight to extinction but submitted and multiplied as serfs."[12]

As the restrictionists wanted to exclude only the Mexicans, they found their task much more difficult than it had been in 1924. To attempt to exclude all nationals of the Western Hemisphere would alienate not only the advocates of Pan-Americanism, but also those who favored the admission of Canadians. Yet a bill to exclude only the Mexicans would be an open case of flagrant discrimination, a step which few seemed willing to take.[13] This time the opposition was organized, powerful, and vocal. Farmers, cattlemen, sugar manufacturers and the railroads of the Southwest were determined to preserve their cheap labor source.[14] In addition, and importantly, the State Department was opposed to the restrictions since this would endanger the "good neighbor" policy which it was cultivating during this period.[15] As a practical matter, it was pointed out that an adverse reaction in the Western Hemisphere nations could have a serious economic effect in the United States. At this time 60 percent of all United States overseas capital and 34 percent of our foreign trade was with Western Hemisphere nations.[16]

At this point, a significant change in Mexican-American immigration policy took place in the form of administrative control of immigration in 1929. The State Department, vitally interested in preserving good relations with our neighboring countries, instructed its consular officers in Mexico to enforce stringently the qualitative restrictions of the present law.[17] The principal method used was to combine the "public charge" clause of the 1917 Act with the Alien Contract Labor Law. If a prospective immigrant applying for a visa stated that he was without a job, the "public charge" provision excluded him, while if he stated that a job awaited him in the United States, admission was denied because of violation of the Alien Contract Labor Law.[18] The results of this method coupled with the drop in immigration caused by the Great Depression were impressive (see Chapter III). The success of the administrative restriction led to several important results. The administration, now that it had the means of controlling immigration without openly affronting neighboring governments, could persuade Congress that no legislative action was needed; and a strong anti-Mexican bill which passed the Senate in 1930 did not reach the floor of the House.[19] Further, from this point on, the key issue in Mexican-American immigration policy would be the content and substance of the administrative controls, and not the basic immigration statue itself.

Notes to Chapter II.

1. The quota restrictions of the 1921 Act did not apply to aliens who had resided in a Western Hemisphere country for one year prior to his application for a visa. Act of May 19, 1921, Sec. 2 (a) (7), 42 Stat. 5. This period was extended to five years by Sec. 2 of the Act of May 11, 1922, 42 Stat. 540. The 1924 Act, however, excluded only native-born residents of the Western Hemisphere from its quota restrictions. Act of May 26, 1924, Sec. 4 (c), 43 Stat. 155.

2. Congressional Record 6620-1, 6634 (1924).

3. Act of May 26, 1924, Sec. 4 (c), 43 Stat, 155.

4. During this period legal Mexican immigration averaged about 50,000 a year, while the Canadian figure was closer to 75,000. Immigration from the rest of the Western Hemisphere numbered only 5,000 annually. Commissioner General of Immigration, Annual Report 206 (1930).

5. Congressional Record 6623-4 (1924); Divine, *American Immigration Policy*, 1924 - 1952, 52 (1957)

6. Divine, *op. cit.*, *supra* note 5, at 53.

7. *ibid*.

8. Hearings on Seasonal Agricultural Laborers from Mexico Before the House Committee on Immigration and Naturalization, 69th Congress, 1st Session, 324 (1926); Hearings on Immigration from Countries of the Western Hemisphere Before the House Committee on Immigration and Naturalization, 70th Congress, 1st Session 689 - 90 (1928); Hearings on Restriction of Western Hemisphere Immigration Before the Senate Committee on Immigration, 70th Congress, 1st Session 6 - 8 (1928); Hearings on Western Hemisphere Immigration Before the House Committee on Immigration and Naturalization 71st Congress, 2nd Session, 347 - 51 (1930).

9. Hearings on Seasonal Agricultural Laborers from Mexico, *supra* note 8, at 301; Hearings on Western Hemisphere Immigration, *supra* note 8, at 368.

10. Hearings on Immigration from the Countries of the Western Hemisphere, *supra* note 8, at 16, 55, 739; Hearings on Western Hemisphere Immigration, *supra* note 8, at 384.

11. Hearings on Immigration from Latin-America, the West Indies, and Canada Before the House Committee on Immigration and Naturalization, 68th Congress, 2nd Session, 304 - 37 (1925); Hearings on Immigration from the Countries of the western Hemisphere, *supra* note 8, at 711, 716.

12. Divine, *op. cit.*, *supra* note 5 at 57 quoting from Congressional Record 2817 - 18 (1928).

13. *Id.* at 54.

14. *Id.* at 53 - 4.

15. Hearings on Restriction of Western Hemisphere Immigration, *supra* note 8, at 156, 161 (Statement of Secretary of State Kellogg); Bemis, *The Latin American Policy of the United States*, 217 - 18, 220 - 1 (1943).

16. Hearings on Restriction of Western Hemisphere Immigration, *supra* note 8, at 163, 165 - 6, 168.

17. 6 Interpreter Releases 148, (1929); *New York Times*, January 16, 1929, p. 9.

18. 6 Interpreter Releases 150 - 1 (1929).

19. Divine, *op. cit.*, *supra* note 5 at 66.

III. Statutory Changes Since 1930

During the period of the 1930's when the Great Depression swept over the country, immigration policy lost much of its significance. As in the past, domestic unemployment led to anti-immigration feeling; however, the United States no longer appeared attractive overseas, and the number of immigrants dropped so sharply that there seemed to be no need for further statutory restrictions. The key immigration issues of the thirty's were the growing apprehension over the rise of Fascism in Europe and of Communism in Russia.[1] Statutory changes[2] during this period were designed to cope with the problems of subversives and refugees.

As the United States approached involvement in World War II, our immigration laws were tightened to reflect our growing concern over national security. The result was the Alien registration Act of 1940 which required the registration and finger printing of aliens. After the war, the War Brides Act of 1945,[3] the Fiancees Act of 1946[4] and the Displaced Persons Act of 1948[5] represented a relaxation of the immigration laws to meet special problems that the war had brought.

By 1950, it became clear that the United States immigration laws were a hodgepodge of statutes which had been modified on an *ad hoc* basis over the years. This recognition, plus the fact that the basic policies of qualitative and quantitative controls were embodied in two separate statues, called for Congressional consideration. The result was the McCarran-Walter Immigration and Nationality Act of 1952.[6] This Act was primarily only a recodification of the existing law, and the most important issue was whether the national origins quota system should be retained. The Act became law on June 27, 1952 when the Senate overruled President Truman's veto which had been based on his objections to the retention of the national origins system and the Act's relationship to the Internal Security Act of 1950.[7] Subsequent legislation has in the main been an attempt to soften especially harsh areas of the law.[8]

Notes to Chapter III.

1. Divine, American Immigration Policy, 1924 - 1952, 4 - 5 (1957).
2. Legislation was introduced periodically during the 1930's to alleviate the growing refugee problem in Europe and to specifically exclude fascists and communists. Although the debates were fiercely fought, no laws were passed until 1940. Ibid at Ch. 4.
3. Act of December 28, 1945, 59 Stat. 659.
4. Act of June 29, 1946, 60 Stat. 339.
5. Act of June 25, 1948, 62 Stat., 1009, as amended by Act of June 16, 1950, Stat. 219.
6. Act of June 27, 1952. 66 Stat., 163, 8 U.S.C. Secs. 1101 - 1503. Hereinafter cited as 8 U.S.C. Secs. 1101 - 1503.
7. Gordon and Rosenfield, Sec. 1.3c.
8. Ibid. at Sec. 1.4b; E.g., the Refugee Relief Act of 1953, Act of August 7, 1953, 67 Stat., 400, allowed 214,000 refugees from Iron Curtain countries to be admitted without using quota allotments.

IV. Temporary Worker Legislation

Because the immigration laws are the basic documents relevant to alien admission to the United States, the evolution of temporary worker legislation is closely tied to the immigration statutes. There have been two parallel types of development: one, the admission of workers within the structure of the immigration laws themselves; and second, in the case of Mexican workers, the bracero program. Both types of development are similar and to some extent interrelated.

Admission under General Immigration Laws

The history of the temporary worker legislation began with the 1917 recodification of the Immigration laws. The policy of the Alien Contract Labor Act of 1885 which made it unlawful to import contract laborers was continued in Section 3 of the Immigration Act of 1917.[1] The ninth proviso of that section[2] stated an exception to the general prohibition by allowing the Commissioner General of Immigration to authorize the admittance of temporary workers with the approval of the Secretary of Labor. In 1917 the Bureau of Immigration and Naturalization was a Division of the Department of Labor, and the function of the Secretary of Labor contained in the ninth proviso was assumed by the Attorney General when the Immigration and Naturalization Service was transferred to the Department of Justice in 1940.[3]

The ninth proviso was used extensively to recruit non-immigrant temporary workers in and after World War I[4] and again at the start of World War II before the special legislation to be discussed later was passed.[5] Since the 1952 Act repealed the 1917 law, the temporary worker authorization of the ninth proviso was also repealed. Sections 101(a) (15) (H)(ii) and 214(c) of the 1952 Act, however, allow a similar authorization. This authorization, known colloquially as H-2, is limited to persons coming to the United States to perform temporary labor when domestic laborers cannot be found in this country.[6] Section 214(c) requires the Attorney General to consult with appropriate agencies of the government before issuing a visa[7] and this policy has been implemented by requiring a clearance from the United States Employment Service, Department of Labor, as to the unavailability of local workers.[8] The prospective employer merely files a petition[9] with a district office of the Immigration and Naturalization Service and pays the required $10.00 fee. An integral part of this petition is the clearance order issued by the United States Employment Service who have used the administrative machinery of State departments of employment to determine the unavailability of local workers.[10]

Another source of legal authority for the admission of temporary workers within the immigration statutes is the so-called "commuter" status. This is one of the most curious areas of the immigration laws. The practical effect of qualifying as a "commuter" is to be allowed to live across the border and enter the United States daily to work,[11] yet the basic legal justification is that the "commuter" is a lawfully admitted alien resident immigrant.[12] Although the 1924 Quota Law did not affect Mexicans in respect to quantitative restrictions, it did require that Mexican immigrants obtain a visa before entering the United States. At first the commuters were treated as non-immigrant visitors for business. However, this category was limited in 1927 to visitors whose business was of a commercial nature, and the "commuter" was classified as an immigrant.[13] Thereafter, the "commuter" had to qualify as an immigrant in order to be admitted as an alien resident, and an administrative procedure[14] developed whereby the alien, admitted under the terms of the immigration laws as one desiring permanent residence in the United States, could be issued a border crossing card[15] --the "green card"--which facilitated daily re-entry.

This administrative practice, justified on the rationale that it was in harmony with the good neighbor policy represented by the non-quota status granted to Canada and Mexico by the 1924 Quota Law and a presumed Congressional intent,[16] has been continued to the present day. The "commuter" status was at least implicity sanctioned by the 1952 Act. Section 101(a) (27) (B) states that one who has been "lawfully admitted for permanent residence"[17] has the right to re-enter the United States to continue a prior status, and Section 101(a) (20)[18] defines the term "lawfully admitted for permanent residence" as a status of having been accorded the privilege of residing and not one who is residing.[19]

The Bracero Program

In 1941, the groups that had used temporary Mexican laborers in previous periods attempted to negotiate directly with the Mexican Government for the recruitment of workers.[20] These attempts failed, but by 1942 the pressure on the agricultural labor market had become so great that employers' organizations were able to induce our government to enter formal negotiations with Mexico.[21] The culmination of these negotiations was the International Agreement of August 4, 1942.[22] Initially, the International Agreement was implemented by the ninth proviso of Section 3 of the 1917 Immigration Act. At this time the policies were rather clear-cut. The United States wanted workers, and Mexico wanted mainly assurance that its citizens would not be exploited.[23] The agreement was modified in 1943[24] in light of the first year's experience, and in the same year Congress passed the first of a series of special acts.[25] Although this act was part of an over-all farm labor bill, it primarily continued the pattern set by the International Agreements. As the ninth proviso was still the basic legislative grant, the 1943 Act merely exempted the workers from some of the normal requirements imposed by the immigration statutes. This Act plus the 1943 International Agreement formed the basis of the war-time program. The changes made prior to the expiration of the law in December 1947 were of an administrative nature and did not affect the basic policy.[26]

The key feature of the war-time program was that the workers were recruited by and contracted directly with the United States Government which then subcontracted with the employers.[27] This was an essential factor in attempting to avoid exploitation, and it was significantly absent in the period following the lapse of the program. Since only the special act lapsed in December 1947, the ninth proviso was still available in its original form and a Mexican labor recruitment program continued.[27] A series of new International Agreements were consummated,[29] and the program proceeded on a quasi-individual basis. It was during this period, 1947 - 1951, that the program was most abused. By 1951, the Mexican Government was highly displeased with the treatment of its citizens and pressed for a government-to-government agreement.[30] Although Congress was somewhat dilatory in reacting to this pressure, in July 1951 it passed Public Law 78.[31]

The main feature of Public Law 78 was the revival of direct governmental control. Recruitment was accomplished by agencies of the United States and Mexican governments and the United States guaranteed the performance of employers' contracts.[32] In order to make the government program successful and to avoid the inequities of the past, Congress made the illegal smuggling of aliens a felony and federal officials were given the right to patrol private lands within twenty-five miles of the border.[33] Another key feature was the designation of specific termination dates. This tended to give the program a flexibility that was lacking in the war-time program in that Public Law 78 was designed to meet specific temporary labor shortages and was not keyed to a shortage based on war effort.[34]

When Congress allowed Public Law 78 to lapse as of the end of 1964, some flexibility in admitting temporary workers was provided through the use of the H-2 provision in the immigration law of 1952, which supports a program based on local needs once the unavailability of domestic workers is determined. The H-2 provision can be used in either a government-to-government manner similar to the war-time program, or on a smaller individual scale.

Notes to Chapter IV.

1. Act of February 5, 1917, Section 3, 39 Statute 875.

2. Act of February 5, 1917, Section 3 (a), 39 Statute 878.

3. The Bureau of Immigration and Naturalization became the Immigration and Naturalization Service, Department of Labor on March 2, 1934, and the Service was transferred to the Department of Justice June 14, 1940. 1963 House Immigration Study 25, n.n. 14 and 15.

4. Commissioner General of Immigration, Annual Report, 1921.

5. 1963 House Immigration Study 25.

6. The act specifically states that the H-2 temporary worker is "an alien . . . (ii) who is coming temporarily to the United States to perform . . . temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country." 8 U.S.C. 1101 (a) (15) (H).

7. 8 U.S.C. 1184 (c).

8. 1963 House Immigration Study 25-6.

9. The instructions to Immigration and Naturalization From I-129B state that a fee of $10.00 must accompany the petition and paragraph 2 requires that the clearance order from the United States Employment Service be attached to the petition. This form had been reproduced in Id. at 201-04, See also Id. at 25-6.

10. United States Employment Service Regulations require that "reasonable efforts" are made to insure that local workers are unavailable before a clearance order for foreign workers will be issued. 20 C.R.R. 602.10 (a).

11. See the statement of L. Paul Winings, General Counsel, Immigration and Naturalization Service in 1963 House Immigration Study 161, 178.

12. Id. at 155.

13. Id. at 162, 178. The limitation of the visitor for business category to business of a commercial nature was upheld in Karnuth v. Albro, 279 U. S. 231, 242-244 (1929).

14. 1963 House Immigration Study 162, 178.

15. Originally a special card was issued to commuters; however, the alien registration receipt card, issued to all legally admitted aliens, is all that is necessary to cross the border as a commuter. This card, Form I-151, is the so-called "Green-Card". Id. at 164: Gordon and Rosenfield Sections 6.16, 6.16b. Although the present administrative commuter practice requires only the green card, such a card is not a guarantee of readmittance, but merely evidence of having qualified as being legally admissible. Technically, every lawfully admitted alien resident who leaves the country must be able to requalify as an immigrant when he attempts to re-enter. This is true even though the immigration laws have changed since his first admittance and the disqualifying act occurred before he left the United States. This problem is known as "re-entry" and it is clearly illustrated in Benetti v. Rogers, 356 U.S. 691, 698 (1958) and Schoeps v. Carmichael, 177 F.2d. 391 (9th Circuit 1949). See I The California Family Lawyer, Chapter 10, Section 10.16, 1961.

16. 1963 House Immigration Study 162-63, 178-79.

17. 8 U.S.C., Section 1101 (a) (27) (B).

18. 8 U.S.C., Section 1101 (a) (20).

19. This is a distinction which appears to be not only hypertechnical but contrary to the spirit of the immigration laws, for the term "lawfully admitted for permanent residence" applies to every alien admitted to the United States as an immigrant. Further, Section 212 (a) (14) of the 1952 Act requires the Attorney General to refuse visas to aliens entering the United States to perform labor if the Secretary of Labor has certified that there are sufficient domestic workers available or that admission of the alien would adversely effect local wage and working conditions. 8 U.S. Circuit, Section 1182 (a) (14). Since all immigrants are required to obtain visas before entering the United States, a certification by the Secretary of Labor under Section 212 will prevent the entry of an alien unless he is a "lawfully admitted" resident alien. Thus the validity of "commuter" status turns on the validity of one's status as a resident alien when a 212 certification challenges re-entry. This was the precise question decided in the Amalgamated Meat Cutters case. 186 F. Supp. 114 (D.D.C. 1960). There, the court decided that the "commuter" status was an "amiable fiction" and that to allow the commuter to enter in opposition to a section 212 certification is "to make a shambles of a provision which was designed to assure 'strong safeguards for American labor'." Id. at 117. Since the specific issue in the Amalgamated case had become moot by the time the decision was handed down, no appeal was taken. Subsequently, the "commuter" concept was attacked directly in Texas State A.F.L.-C.I.O. v. Kennedy. 330 F. 2d. 217 (D.C. Cir. 1964) affirming Texas State AFL-CIO v. Kennedy, Civil No. 3468-61, D.D.C., April 11, 1963 (no written opinion). In this case a union and several individual workers sued for a writ of mandate against the Attorney General and the Commissioner of Immigration and Naturalization to require them to deny immigrant status to "commuters." After the defendants' motion to dismiss was granted without a written opinion on April 11, 1963, the circuit court of appeals affirmed on the narrow ground that the plaintiffs lacked standing to sue and the court expressly refused to decide the merits of the legality of the commuter status. Id. at 218-219.

20. 1963 House Immigration Study 23, 27-8.

21. Ibid.

22. Agreement with Mexico respecting the temporary migration of Mexican agricultural workers, August 4, 1942, 56 Statute 1759, E.A.S. 278.

23. 1963 House Immigration Study 28.

24. Agreement with Mexico revising the Agreement of August 4, 1942, respecting the Temporary Migration of Mexican Agricultural Workers, April 26, 1943, 57 Statute 1152, E.A.S. 351.

25. Public Law 45, Act of April 29, 1943, 57 Statute 70.

26. 1963 House Immigration Study 30-33.

27. Id. at 28-29.

28. Id. at 33.

29. Agreement with Mexico respecting the Temporary Migration of Mexican Agricultural Workers, supplementing the agreement of August 4, 1942, as revised April 26, 1943, effected by exchange of notes at Mexico City March 25, 1947, and April 2, 1947, 61 Statute 3738, T.I.A.S. 1719: Agreement with Mexico respecting the Migration of Temporary Agricultural Workers, superseding that of April 26, 1943, and March 10, 1947, 62 Statute 3887, T.I.A.S. 1968.

30. 1963 House Immigration Study 36.

31. Public Law 78 was an amendment to the Agricultural Act of 1949. Act of October 31, 1949, Title V, as added July 12, 1951, 65, Statute 119, 7 U.S. Circuit Sections 1461-1468.

32. 1963 House Immigration Study 37.

33. Act of March 20, 1952, 66 Statute 26.

34. The original 1951 Act was to expire December 31, 1953 but this date was extended subsequently to December 31, 1955 (67 Statute 500), June 30, 1959 (69 Statute 615), June 30, 1961 (72 Statute 934), December 31, 1961 (10 U.S.T & O.I.A. 1630), January 31, 1962 (74 Statute 1021). December 31, 1963 (75 Statute 761), and December 31, 1964 (77 Statue 363). Congress in 1964 refused to extend the act but steps were immediately taken to implement the H-2 provision.

V. Legal and Administrative Procedure

The primary responsibility of administering and enforcing the immigration laws is in the hands of the Attorney General.[1] He has delegated his authority to the Immigration and Naturalization Service (hereafter referred to as the Service), a division of the Department of Justice. The mission of the Service is to protect the borders, to determine the admissibility of those who attempt to enter, and to expel those unlawfully within the United States.[2] The Department of State, through its United States Consuls, has the responsibility of making a preliminary determination as to the admissibility of aliens.

The alien seeking admittance to the United States must first obtain a visa from the United States Consul stationed in his homeland, and the visa will not be issued if the Consul determines that the alien is not eligible.[3] A determination of eligibility by the Consul is not binding upon the Service, however, and admissibility is re-examined by immigration officials when the alien presents himself at the border.[4] The United States Public Health Service has the responsibility for determining the physical and mental status of those seeking admittance.[5]

Administrative Appellate Procedure

The district offices are the basic working units of the Service. The District Director has the authority to grant or deny many of the petitions and applications required by the law.[6] Some of the authority granted to the Director is purely discretionary and no appeal is allowed from his decision. An example is a denial of the privilege to voluntarily depart the United States in lieu of deportation.[7] Most decisions, however, are appealable through one of two administrative channels. The Board of Immigration Appeals has appellate jurisdiction over several important areas,[8] and appeal is allowed to the Regional Commissioner in all other nondiscretionary cases that are not within the Board's jurisdiction.[9]

The Board of Immigration Appeals in effect represents the Attorney General's ultimate power of supervision over the Service. It is a distinct body, separate from the Service, within the Justice Department.[10] It is a quasi-supreme court whose decisions, unless overruled by the Attorney

General, are binding upon the Service.[11] It is located and holds its hearings in Washington, D.C.

The *right* of appeal must be distinguished from the *power* of a superior officer over a subordinate unit. Thus, although there is no right of administrative appeal from the decision of either the Regional Commissioner or the Board of Immigration Appeal,[12] the Attorney General has the power to overrule a decision by either body. Further, *administrative* appeal must be distinguished from *judicial* review. The Attorney General and his subordinates are, obviously, members of the Executive branch of government, and their decisions and hearings are administrative only. The importance of the administrative appellate procedure lies in the judicial requirement that one must usually exhaust the administrative remedies prior to judicial review.[13]

Judicial Review

The authority for judicial review springs from two sources, the general requirement of due process demanded by the Fifth amendment[14] and, since 1961, specific legislative enactments.[15] Prior to 1961, judicial review of immigration decisions was restricted to due process of law with the only requirements being reasonable notice, fair public hearing, and a chance to defend the charge.[16] The usual manner of raising this point once the individual was in custody was by habeas corpus.[17] However, after the decision of the Supreme Court in *Perkins v. Elg*,[18] declaratory judgment action could be used once deportation was threatened. Since 1961 direct review of deportation orders is allowed by statute.[19] The 1961 statute abolished the use of declaratory judgment, although it retained the right to use habeas corpus when a person was held in custody under a deportation or exclusion order.

It must be noted that the statute does not preempt the constitutional requirement of due process, but the scope of the due process requirement is not unlimited. The Fifth amendment, by its terms, requires that no person be deprived of his liberty without due process of law. The Supreme Court has held the term "person" to include citizens and nationals and also resident aliens.[20] It does not, however, protect aliens outside the United States, and, therefore, there is *no* requirement of due process to one seeking admittance to the United States unless the individual is a citizen, national or returning resident alien.[21] Further, the burden of proving one's status is on the individual since the law presumes that all persons outside the United States are aliens.[22]

Even without a constitutional requirement, however, the administrative procedure has been to allow a hearing when one is denied access at the border.[23] If the border inspector has any doubt as to the admissibility of anyone attempting to cross the border, he is required to deny him access.[24] The individual is then held for a hearing before a Special Inquiry Officer who makes a determination as to admissibility. The immigration statutes allow an administrative appeal if the Special Inquiry Officer finds against the individual.[25] The relevant point is that the hearing and administrative appeal are by legislative grace and not by constitutional mandate. There is no such appellate procedure following a decision of inadmissibility when made by a Consular officer, but this is not a violation of due process.

The problem faced by the immigration officials at the border is two-fold. If the individual is claiming admittance as a United States citizen, the scope of the inquiry would be primarily whether the individual was in fact a citizen and whether this citizenship has been lost by some subsequent act. This would be mainly an attempt to show birth in the United States and a denial of having committed some act, such as service in a foreign army, which would cause a loss of citizenship. If the individual can prove that he was once a citizen, e.g., by birth within the United States, the government then has the burden of proving that such citizenship has been lost.[26] If, on the other hand, admittance is being sought through fulfillment of the requirements of the immigration laws, the scope of inquiry is principally whether the individual has in fact fulfilled the quantitative and qualitative requirements. In this instance the burden of persuasion is on the individual throughout.[27]

One can argue that as to the individual claiming admittance as a United States citizen, the initial burden of proving citizenship is too harsh. To the usual traveller, the requirement of proof can be met by exhibiting a valid United States passport. To an uneducated Mexican youth who has been told that he was born in the United States while his parents worked in the fields, however, the burden can be insurmountable. The 14th Amendment grants citizenship to all persons born within the United States.[28] Thus, the Mexican described above is a United States citizen. To deny him access without a hearing would certainly be a deprivation of due process, yet to require the government to disprove his claim would be unreasonable and would virtually throw open the border to any "unknown" person who claimed citizenship. On balance, the hearing and appeal even with the initial burden on the individual do not seem unreasonable. Although it is possible that some meritorious claims might be denied, it would seem that the majority of such claimants could secure some proof of their birth either by documents or reliable witnesses.

Basic Requirements for Permanent Immigration

Assuming that the individual cannot claim admittance to the United States as a citizen, he must fulfill the requirements of the immigration laws. The persons who enter the United States do not necessarily enter for the purpose of permanent residence. The immigration statute provides for both immigrant and nonimmigrant visas. There are nine major classes of nonimmigrants,[29] including officals of foreign governments, temporary visitors for business or pleasure, students, temporary workers and others. The conditions and length of stay vary with the specific category into which the individual falls. With the exception of the temporary worker category, the nonimmigrant provisions are not too important to this discussion.

The typical Mexican seeking admittance as an immigrant must first obtain two documents:[30] a valid passport issued by the Mexican government and a valid visa issued by the resident United States Consul. Since the acquisition of a passport is governed by Mexican law, this discussion will be limited to an investigation of visa requirements.

The first step is to apply for registration on a waiting list.[31] In quota countries such lists are needed when applications exceed the quota allotment. In nonquota areas like Mexico, an administrative list is needed due to the heavy workload of the individual consular office. In quota countries, one's position on the waiting list is determined by meeting the legal requirements of preferred quota status. Thus, skilled specialists, spouses, parents and children of United States citizens, etc., have a legal right to immigrate before unskilled laborers. Such preferred quota status is obtained by initiating a petition with the Immigration Service in the United States, which in turn notifies the consul in the foreign country. If a quota country's allotment of persons is exceeded annually by applications of persons of preferred quota status, the unskilled laborer never gets the opportunity to formally apply for a visa. In a non-quota country such as Mexico, there are no legal preferences as to the right to immigrate. However, the consuls do give preferential treatment to persons with close relatives in the United States, thus reducing the time period these persons wait on the administrative waiting list.[32] Therefore, the second step for a Mexican is to formally apply for his visa, although some persons have to wait longer than others. The procedure[33] requires the completion of numerous forms, a medical examination, and personal interview; the purpose of the procedure is to enable the consul to make an initial determination of admissibility.

To the non-quota Mexican, this means satisfactory fulfillment of the qualitative requirements imposed upon all immigrants. The qualitative requirements are designed to exclude those whom Congress deem undesirable. Thus, the alien must prove that he has a background of honesty, morality and physical and mental stability.[34] The requirements are, in general, reasonable and there is some flexibility[35] which avoids undue hardship. To most Mexican applicants, however, the principal stumbling block is the requirement that the alien prove that he is not likely to become a public charge.

The opposition to the immigration of those likely to become dependent upon public welfare is as old as the federal control of immigration. The first general statute of 1882 prohibited the entry of paupers and persons likely to become a public charge.[36] Such terminology has been a part of our immigration laws since that time. The scope of the term "person likely to become a public charge" is quite nebulous. There is no judicial or administrative appeal from the decision of a Consul, nor have the Departments of State or Justice promulgated regulations relative to the definition of the term.[37] Although the courts have required some tangible basis for the decision to exclude when made at the border by an immigration officer,[38] no such review has been made of a decision of a consular officer. Thus, the decision of the Consul appears to be purely discretionary. In actual practice, however, the consuls usually require that the alien obtain an affidavit of support signed by someone in the United States who promises to support the immigrant.[39] The sufficiency of the affidavit is also within the discretion of the Consul and therefore varies with each individual case. The Attorney General has the discretion to admit an alien found by the Consul to be likely to become a public charge if the alien furnishes a bond.[40]

In practice, Consuls may also require a job offer from a U. S. employer as evidence that the applicant will not become a public charge. In the case of Mexican nationals, a new procedure introduced in 1963 requires that such a job offer be endorsed by the U. S. Department of Labor. This procedure and its implications are described in the last section of Chapter III of this report.

Having obtained a visa does not in itself guarantee admittance to the United States. The prospective immigrant must present himself at the border and must have his admissibility re-examined by immigration officials. This examination does include the administrative hearing and appeal described above.

The dual administrative system seems logically inconsistent. Double examination of the same qualifications implies, at the very least, a waste of energy as does the splitting of responsibility between two Executive departments. Further, the lack of appeal from decisions of the Consul is inconsistent with the administrative review allowed from decisions by immigration officials. Even though a constitutional argument cannot be made, the purpose of the immigration statute is to allow Congress to determine the admissibility of aliens into the United States. Unlimited discretion in one man makes it too easy to thwart Congressional intent and may be unfair to those who wish to enter.

Notes to Chapter V

1. Gordon & Rosenfield, Section 1.7a.
2. *Id.* at Section 1.6a.
3. 8 U.S.C. Sections 1104 (a), 1201 (a).
4. 8 U.S.C. Sections 1201 (n), 1225 (a); Alacron-Baylon v. Brownell, 250 F.2d 45 (5th Circuit 1957).
5. 42 U.S.C. Section 252.
6. 8 C.F.R. Section 103.1 (f).
7. 8 C.F.R. Section 242.5.
8. 8 C.F.R. Section 3.1.
9. 8 C.F.R. Sections 103.1 (e), 103.3.
10. Gordon & Rosenfield, Section 1.10.
11. *Id.* at Section 1.10b.
12. 8 C.F.R. Section 3.1 (f); Id at Section 1.9d (4).
13. Pike & Fischer, *Administrative Law*, Section 10c.4.
14. Gordon & Rosenfield, Section 8.3.
15. 8 U.S.C. Section 1105(a), as amended by Section 5, Act of September 26, 1961, P.L. 87-301, 75 Statute 651.
16. Gordon & Rosenfield, Section 8.3.
17. *Ibid.*
18. 307 U.S. 325 (1939).
19. 8 U.S.C. Sections 1105(a) (1)-(2), as amended. See note 15 *supra.*
20. Yick Wo v. Hopkins, 118 U. S. 356 (1886).
21. Gordon & Rosenfield, Section 1.5a.
22. 8 U.S.C. Section 1361.

23. Gordon & Rosenfield, Sections 3.18-3.20.

24. Id. at Section 3.17a.

25. 8 U.S.C. Sections 1225 (b), 1226.

26. Gonzales v. Landon, 350 U.S. 920 (1955).

27. 8 U.S.C. Sections 1361.

28. U.S. Constitution, Amendment XIV, Paragraph 1, Clause 1.

29. 8 U.S.C. Sections 1101 (a) (15) (A) - (H).

30. 8 U.S.C. Sections 1181 (a) (e).

31. Gordon & Rosenfield Sections 3.4.

32. Id. at Section 3.5.

33. Id. at Section 3.6.

34. Id. at Sections 2.32 - 2.50.

35. E.G., 8 U.S.C. Sections 1181 (c), (d).

36. Act of August 3, 1882, 22 Statute 214.

37. Gordon & Rosenfield, Section 2.39d.

38. Gabriel v. Johnson, 29 F.2d 347 (1st Circuit 1928).

39. Gordon & Rosenfield, Section 2.39 e-f.

40. 8 U.S.C. Section 1183.

VI. The Application of Nationality Laws

The laws regarding nationality have had a particular impact on the Mexican-American minority. These laws concern the acquisition and loss of citizenship, and possession of United States citizenship completely avoids the immigration statutes since citizenship is automatically granted to those born within the territory of the United States, Mexican nationals who have entered the United States illegally or as non-immigrant temporary workers can give birth to United States citizens. Further, the relative ease of legal and illegal border crossings by Mexicans has given many persons of Mexican descent a potential claim to American citizenship. It is necessary to consider the legal doctrines relevant to nationality in order to assay their relevance to people of Mexican descent.

The first sentence of the fourteenth amendment of the United States Constitution states that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States . . . "[1] Birth within the United States and naturalization are the principal means whereby one obtains citizenship, but the legal doctrines regarding nationality[2] are not limited to these methods. There are two legal theories relevant to the acquisition of nationality at birth--*jure soli*, automatic citizenship to those born within the territory of the state, and *jure sanguinis*, citizenship determined by the nationality of one's parents.[3] The fourteenth amendment incorporates the *jure soli* doctrine into United States law; however, Congress has also enacted legislation which adopts the *jure sanguinis* theory.[4] By the terms of these statutes, under certain conditions children born outside the United States are granted citizenship if their parents were United States citizens. Acquisition of nationality after birth is accomplished by the process of naturalization, and each country sets its own standards regarding this method of granting citizenship.

Most countries, like the United States, apply both the *jure soli* and *jure sanguinis* theories to their nationality laws.[5] It is rather easy, therefore, for an individual to acquire at birth the nationality of two countries. A child born in the United States whose parents were nationals of a state which based its citizenship on *jure sanguinis* would acquire two nationalities. Likewise, a child born outside the United States in a country which applied the *jure soli* principle would also obtain United States citizenship if his parents qualified under our statutory provisions which apply the *jure sanguinis* theory. The individual who acquires two nationalities is known as a "dual national", and acquisition of this status has unique significance under American law.[6]

There is, of course, no reason to impose a sanction for the mere acquisition of dual nationality, since it is thrust upon the individual involuntarily by the operation of law. The United States, however, has traditionally taken the view that if the individual exercises his other nationality his American citizenship should be withdrawn. This policy has been incorporated into our nationality statutes, which in general require an election by the individual at maturity and a withdrawal of American citizenship if the foreign nationality is chosen.

statutes, which in general require an election by the individual at maturity and a withdrawal of American citizenship if the foreign nationality is chosen.[7] Imp[illegible]tation of this policy has been extremely difficult and has involved many persons of Mexican descent.

Obtaining Citizenship

To analyze the Mexican-Americans' involvement in the loss of citizenship problem, one must first discuss the means by which they may obtain citizenship. Obviously, the statutory provisions regarding birth within or without the United States apply to the Mexican-American, but the significant fact is that Mexico, like the United States, bases its nationality on both the *jure soli* and *jure sanguinis* theories. As a result, many children born in the United states whose parents are of Mexican descent are dual nationals. Thus, acquisition of American citizenship by birth within the United States almost invariably imposes upon the Mexican-American any burden our government has placed upon the dual national.

The second principal method of obtaining American citizenship is by naturalization. The first step towards naturalization is, of course, admission under the immigration laws as a lawful resident alien. The requirements which must be fulfilled in order to become naturalized apply uniformly to all aliens.[8]

A third method of obtaining United States nationality is by a process of legalization of status. This is particularly important to Mexican-Americans since a relatively large percentage of this group have entered the United States illegally. The "illegal resident" class is not limited to the person who clandestinely crossed the border, but also includes those who entered by a claim of citizenship but who had unknowingly lost their American nationality by the commission of certain acts while outside the United States.

Three methods of legalizing status are available. If the illegal resident can meet the qualitative criteria of the immigration laws, his status can be legalized by merely proving continuous residence within the United States since July 1, 1924 or June 28, 1940.[9] Proof of residence from the earlier date allows immediate naturalization, while proof of residence since 1940 merely causes the normal period between admission and naturalization to begin to run.[10] There is a risk attendant to this method, however, since the new status can be rescinded within five years if the alien has wilfully concealed a material fact in his proof of admissibility under the immigration laws. Once the status is rescinded, deportation is possible.[11]

The second means of legalizing status is by the passage of a Private Bill in Congress. In effect, the individual petitions Congress to make a special exception to the immigration laws in his case. This is expensive, slow, and notably unsuccessful.[12]

The normal method of adjusting status is by departure and re-entry.[13] In essence, the alien merely abandons his illegal residence and re-enters as an immigrant. In view of the Mexican's non-quota status, he must merely meet the generally applicable qualitative immigration criteria.

Loss of Citizenship

The history of the United States nationality laws began with a statute passed in 1865 which withdrew the "rights of citizenship" from Civil War deserters and draft evaders.[14] Subsequently, in 1868,[15] Congress codified the traditional American policy which allowed an individual to voluntarily renounce his allegiance to his sovereign, and in 1907 it passed the first statute[16] which withdrew citizenship for the commission of certain acts. The 1907 statute was expanded by the Nationality Act of 1940[17] which listed eight specific acts resulting in loss of citizenship. These acts were the voluntary naturalization in a foreign state, taking an oath of allegiance to a foreign government, service in a foreign army if a national of that country, accepting foreign employment for which only nationals are eligible, voting in a foreign political election, making a formal renunciation of American allegiance, conviction of desertion in time of war, and treason.[18] In 1944 Congress added the provision which expatriated persons for departing or remaining outside the United States for the purpose of evading military service,[19] and in 1954 it provided for loss of citizenship for conviction of violation of the Smith Act.[20]

In addition to these statutory provisions which apply to all citizens, there are special provisions which expatriate dual nationals and naturalized citizens who reside abroad for extended periods.[21] It is clear that the Mexican-American is particularly susceptible to the nationality statutes. He is likely to be a dual national, and possession of dual nationality exposes him to possible violations of the general expatriation statutes. For example, a Mexican-American dual national who resides in Mexico may accept foreign employment available only to nationals, and he may be eligible to vote in a political election in that country.

The series of historical events which caused the extensive contact with these statutes by Mexican-Americans began with the depression of the 1930's. Many Mexican-Americans were hard hit and went on the relief rolls. The anti-Mexican bias which had been exhibited during the 1926 - 1930 quota debates was still present and many communities began to consider proposals to send all persons of Mexican descent to Mexico.[22] Such proposals were accepted in many parts of the country and thousands of persons of Mexican descent, in many cases native-born American citizens, were more or less forced to leave this country and enter Mexico. A typical form of coersion was a threat to withdraw welfare funds unless the family "voluntarily" accepted the free transportation to Mexico.[23] Unquestionably, some of these activities were illegal and unconstitutional, but none of the individuals affected had the wherewithall to attempt to protect their rights in the courts. For nationality purposes, however, the important result of the deportations was that many of the children who were forced to accompany their parents to Mexico were American citizens. Many of these families did not know that their children had a claim to United States citizenship or that this birthright could be threatened by acts consummated in Mexico. It is understandable, then, that many of these children would serve in the Mexican Army or vote in a local election--either act being sufficient to expatriate.

The second historical event was the development of the temporary worker legislation which began in 1941. In the resulting migration from Mexico, persons born in the United States chose to return to this country. It was inevitable that under these circumstances many Mexican-Americans would find that they had a claim of United States citizenship and that their citizenship would be challenged by the expatriation statutes. Although it is quite probable that many individuals failed to press their claims of citizenship once the immigration authorities denied admittance, others initiated court proceedings to prove their birthright. Eventually, after many frustrating administrative and lower court decisions, a few persistent individuals were able to argue their cases before the United States Supreme Court.

The first important expatriation decision involving a Mexican-American was Gonzalez v. Landon[24] decided in 1955. Gonzales, a Mexican-American born in the United States, found his citizenship challenged by the provision which expatriates for service in a foreign army.[25] Although Gonzales denied that such a statute was constitutional, he also claimed that his service had been under duress. The Supreme Court, in a short memorandum opinion, refused to consider the constitutional issue, held that an extremely high level of proof is required to overcome a showing of duress in expatriation cases, and found that the government had not sustained this burden of proof. Gonzalez won his case, but the more important questions as to the constitutionality of the expatriation provisions had not yet been answered.

The Court did not meet this issue in a later case, and the facts again involved a Mexican-American. The decision in Perez v. Brownell[26] is the hub of all subsequent expatriation cases. Perez was a U. S. born Mexican-American who went to Mexico during the depression and stayed there during World War II. Later, when he attempted to return to the United States, he found his citizenship challenged by the provision which withdraws citizenship for voting in a foreign political election.[27] A majority of a divided court held that Congress has the power to expatriate if there is a rational nexus between a valid Congressional power and the egislative saction of expatriation. The Court found that Congress has the power to regulate foreign affairs and that voting by American citizens tended to interfere with our foreign relations.[28] The key element--the "rational nexus"--is the fact of American citizenship that makes the act of voting potentially embarrassing to the conduct of our foreign affairs. Removal of citizenship simultaneously with the commission of the act, so the majority argued, removed American responsibility.[29]

This decision generated a great deal of discussion most of which was critical. Three members of the Court have consistently refused to accept the Perez rationale and have argued that since the fourteenth amendment expressly grants the right of citizenship, only an express constitutional provision can involuntarily withdraw these rights.[30]. Since there is no such provision, these Justices have argued that citizenship, once validly obtained, can only be withdrawn by a voluntary renunciation of allegiance to the United States.[31]

The underlying rationale of the Perez decision is the doctrine of judicial restraint, i.e., the Court should not overturn a legislative determination unless that determination is patently unreasonable.[32] Since Congress seldom, if ever, makes an unreasonable determination, the Perez decision grants Congress broad power to deal with the subject of expatriation. Subsequent cases, however, have tended to limit the scope of the Perez decision.[33] Chief Justice Warren, in a case decided the same day as Perez,[34] argued that expatriation was a cruel and unusual punishment barred by the eighth amendment. The Chief Justice was unable to persuade a majority of the Court to accept his theory, but he did convince four other Justices that the Perez rationale should not apply to the statutory provision which expatriated for desertion in time of war.[35]

A Mexican-American was successful, however, in placing a direct limitation on the Perez rational nexus in the case of *Mendoza-Martinez v. Kennedy* in 1963.[36] Mendoza-Martinez, another native-born American caught by the forced migration of the 1930's, found his citizenship threatened by the provision which expatriated for remaining outside the United States for the purpose of draft evasion during time of war.[37] The majority opinion, written by Justice Goldberg, did not attempt to deny that Congress had the power to expatriate as enunciated in *Perez,* but instead argued that expatriation in this case was penal, and as such the fifth and sixth amendments required the procedural due process incident to a conviction. The draft evasion provision was held unconstitutional because it lacked these procedural due process safeguards.[38]

The Court took a further step in 1964 when it held in *Schneider v. Rusk*[39] that Congress could not constitutionally discriminate between naturalized and native-born citizens in the nationality statutes. The Court held that a statute which expatriated a naturalized citizen for residing for three years in his native land[40] was an unconstitutional discrimination prohibited by the fifth amendment.[41] The underlying rationale of the *Schneider* case was that Congress could not constitutionally presume that naturalized citizens, as a class, were less reliable than native born.[42] Therefore Congress could not place a burden--limited overseas residence--on this class that was not also imposed upon all other citizens.

The rationale of this decision also applies to the statutory provision which pertains only to dual nationals.[43] This section[44] expatriates the dual national if he voluntarily seeks the benefit of his other nationality and resides in that country for three years.[45] The seeking of a benefit contemplated by this section must not be the same conduct which expatriates the non-dual national, or this section would be a useless redundancy. Therefore, this section imposes a burden on the dual national that is not imposed on all other citizens and is an unconstitutional discrimination within the *Schneider* rationale. This is of some importance to Mexican-Americans since they are often dual nationals.

The net result of the Mendoza-Martinez and Schneider cases is that most of the present nationality laws apply uniformly to all citizens and require a voluntary renunciation of allegiance.[46] This is a considerable switch from the theory of the nationality statutes prior to the Supreme Court decisions. Cases involving Mexican-Americans played an important part in this development.

Notes to Chapter VI.

1. U. S. Constitution, amendment XIV, Paragraph 1, clause 1.

2. "The terms citizenship and nationality refer to the status of the individual in his relationship to the state and are often used synonymously. The word nationality, however, has a broader meaning than the word citizenship. Likewise, the terms citizen and national are frequently used interchangeably. But here again the latter term is broader in its scope than the former. The term citizen, in its general acceptation, is applicable only to a person who is endowed with full political and civil rights in the body politic of the state. The term national includes a citizen as well as a person who, though not a citizen, owes permanent allegiance to the state and is entitled to its protection . . . " 3 Hackworth, International Law 2 (1942).

3. Bishop, International Law 304 (1953).

4. 8 U.S.C. Section 1401 (1958).

5. Bishop, op. cit., supra note 3 at 320.

6. See text accompanying note 21 infra.

7. 8 U.S.C. Section 1481, 1482, 1484 (1958).

8. The qualitative restrictions on immigration are discussed above in the section on Immigration. The principle requirements for naturalization, once the alien is admitted as an immigrant, include an understanding of the English language, a basic knowledge of the history, principles and form of the United States government and lawful residence within the United States for five years preceeding the application. 8 U.S.C. sections 1421-1450 (1958).

9. 8 U.S.C. Section 1259 as amended by Act of August 8, 1958 , 72 Stat. 546.

10. I, The California Family Lawyer, Chapter 10, Section 10.17 (1961).

11. Ibid.

12. Gordon and Rosenfield, Section 7.12; Note, Private Bills and the Immigration Law, 69 Harvard Law Review, 1083 (1956).

13. There are provisions which allow the adjustment of non-immigrant states to immigrant without requiring departure (8 U.S.C. Section 1255), but these are not available to the Mexican (8 U.S.C. Section 1255 (c) since departure and re-entry pose such a relatively slight hardship. See generally Gordon and Rosenfield Sections 7.2-7.4.

14. Chapter 79, Section 21, 13 Stat. 487 (1865).

15. Chapter 249, 15 Stat. 23 (1868).

16. Chapter 2534, 34 Stat. 1228 (1907).

17. Chapter 876, 54 Stat. 1137 (1940).

18. Section 401, 54 Stat. 1168 (1940), now 8 U.S.C. Section 1481 (1958).

19. 58 Stat. 746 (1944), now 8 U.S.C. Section 1481 (a) (9) 1958).

20. 68 Stat. 1146 (1954), 8 U.S.C. Section 1481 (a) (9) (1958).

21. The 1907 Act presumed that a naturalized citizen had expatriated himself if he resided in the territory of his prior nationality. Chapter 2534, 34 Statute 1228 (1907). This provision was carried forward in Section 404 of the 1940 Act (54 Statute 1170 (1940) which

applied a similar presumption to certain dual nationals who resided in the territory of their other nationality for six months. Section 402, 54 Statute 1169 (1940). The rebuttable nature of the presumption was removed in the 1952 amendment which expatriated dual nationals and naturalized citizens under certain conditions for overseas residence in excess of three years. 8 U.S.C. Sections 1482, 1484.

22. Carey McWilliams, "Getting Rid of the Mexican" 28 *American Mercury*, pages 322-24 (1933) (Reflecting the cynical attitude of the Los Angeles area in these forced deportations); *cf.* Colcord and Kurtz, Eds. *Back to the Homeland*, 69 Survey 39 (1933), contrasting voluntary repatriation with involuntary deportation.

23. *Ibid.*

24. 350 U. S. 920 (1955), *reversing per curiam* 215 F.2d 955 (1954).

25. Gonzalez was challenged by Section 401 (3) of the Nationality Act of 1940. 54 Statute 1168 (1940) now 8 U.S.C. Section 1481 (a) (3) (1958).

26. 356 U. S. 44 (1958).

27. Section 401 (5), 54 Stat. 1168 (1940) now 8 U.S.C. Section 1181 (s) (5). (1958).

28. Perez v. Brownell, 356 U. S. 44, 58 (1958).

29. *Id.* at 60.

30. *Id.* at 65-66, 78. (Warren, C. J. and Black and Douglas, J. J., in dissent).

31. *Id.* at 68.

32. *Id.* at 58.

33. See Comment, *Expatriation: Demise of the "Rational Nexus"*, 12 *U.C.L.A. Law Review* 510 (1965) by this author.

34. Trop v. Dulles, 356, U. S. 86, (1958).

35. 8 U.S.C. Section 1481 (a) (8). Three justices did agree with the Chief Justice but the crucial fifth vote was in the form of a concurrance in the result but not the theory by Justice Brennon. 356 U.S. 86, 105 (1958).

36. 372 U.S. 144 (1963).

37. 58 Stat. 746 (1944) now 8 U.S.C. Section 148 (a) (10). (1958).

38. Mendoza-Martinez v. Kennedy, 372 U. S. 144, 164 (1963).

39. 377 U. S. 163 (1964).

40. 8 U.S.C. Section 1484 (a) (1).

41 Schneider v. Rusk, 377 U. S. 163, 168-69 (1964).

42. *Id.* at 168.

43. See Comment, *supra* note 33.

44. 8 U.S.C. Section 1482.

45. Section 1482 does not apply if the dual national triennially takes an oath of allegiance to the United States. The requirement of an oath may negate the expatriation but not the discriminatory nature of the statute since other citizens are not required to demonstrate their allegiance periodically.

46. The only exceptions to this statement are the provisions of 8 U.S.C. Section 1481 which expatriate for voting in a foreign political election and service in a foreign army. The trend is away from these provisions, however, and it is expected that these provisions too must be changed or held unconstitutional. See Comment, supra note 33.

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